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TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1963

No. 20

WMCA, INC., ET AL., APPELLANTS,

vs.

CAROLINE K. SIMON, SECRETARY OF STATE OF THE STATE OF NEW YORK, ET AL.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

FILED SEPTEMBER 26, 1963

PROBABLE JURISDICTION NOTED JUNE 10, 1963

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[fol. 1] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

61 Civil No. 1559

W.M.C.A., Inc.; R. Peter Straus; Joseph De Maio; Edward Lind; S. Thomas Delaney; Edward C. Brown; James J. McCafferty, Plaintiffs,

vs.

Caroline K. Simon, Secretary of State of the State of New York, Louis J. Lefkowitz, Attorney General of the State of New York, Abe Stark, President of the City Council of the City of New York, A. Holly Patterson, Chairman, Board of Supervisors, Nassau County, Owen M. Quinn, Chairman, Board of Supervisors, Westchester County, William J. Leonard, Chairman, Board of Supervisors, Suffolk County, Denis J. Mahon, James Powers, John R. Crews, Thomas Mallee, Commissioners, Board of Elections, City of New York, Defendants.

Complaint—Filed May 1, 1961

[fol. 2] Plaintiffs state that:

For a First Cause of Action

1. This Court has original jurisdiction of this action and the plaintiffs have the right to bring this suit under the Civil Rights Act, U.S.C. Title 42, Secs. 1983 and 1988. This Court additionally has jurisdiction under U.S.C. Title 28, Sec. 1343(3). Relief hereunder is also sought pursuant to the Federal Declaratory Judgment Act, U.S.C. Title 28, Secs. 2201, 2202. All of the foregoing statutes are set forth in pertinent part in Exhibit I annexed hereto and made a part hereof.

2. Under U.S.C. Title 28, Secs. 2281 et seq. provision is made for the convening of a three judge district court where the relief requested is an "interlocutory or perma-

nent injunction restraining the enforcement operation or execution of any State statute by restraining the action of any officer of such State in the enforcement or execution of such statute." As appears more fully below, Plaintiffs seek such relief and request the convening of such court.

3. The Plaintiff, W.M.C.A., Inc., is a corporation duly organized and incorporated pursuant to the laws of the State of New York and having its principal place of business at 415 Madison Avenue, in the State of New York and County of New York. W.M.C.A., Inc. is a taxpayer of the State of New York residing in said County in which capacity it appears as Plaintiff herein.

[fol. 3] 4. The individual Plaintiffs are citizens and taxpayers of the United States and of the State of New York and, as qualified voters in said State are entitled to vote for the members of the Senate and Assembly of the State of New York.

(a) Plaintiff R. Peter Straus resides at 101 Central Park West in the State of New York and County of New York, and is a qualified voter, taxpayer and owner of real property in said County. He appears as Plaintiff herein in such individual capacity and as President of W.M.C.A., Inc.

(b) The following Plaintiffs, residing at the addresses below indicated, are taxpayers and qualified voters in the below indicated counties:

Plaintiff	Resides	County
Joseph De Maio	1530 Archer Road Bronx	Bronx
Edward Lind	3165 Nostrand Avenue Brooklyn	Kings
S. Thomas Delaney	86-06 35th Avenue Jackson Heights	Queens
Edward C. Brown	93 Samuel Street Lake Ronkonkoma	Suffolk
James J. McCafferty	190 Park Avenue Merrick	Nassau

The aforementioned Plaintiffs jointly and severally bring this action on their own behalf and on behalf of all other persons, citizens, taxpayers and voters in the State of New York similarly situated.

[fol. 4] 5. The Defendants are all citizens of the United States and of the State of New York and reside within the said State.

Defendant Caroline K. Simon is the duly elected, qualified and acting Secretary of the State of New York, with offices at 164 State Street, Albany, New York. As Secretary of State, she will be obliged to prepare and distribute election material to the county boards of election and perform other official functions in connection with the next ensuing statewide election.

Defendant Louis J. Lefkowitz is the duly elected, qualified and acting Attorney General of the State of New York, and is the chief legal officer of the State, with offices at State Office Building, Albany, New York.

Defendant Abe Stark is the duly elected, qualified and acting President of the City Council of the City of New York, with offices at City Hall, New York, N.Y. A. Holly Patterson, with offices at Old County Court House, Mineola, N.Y., Owen M. Quinn, with offices at 803 County Office Building, White Plains, N.Y. and William J. Leonard, with offices at Suffolk County Center, Riverhead, N.Y. are the duly elected, qualified and acting Chairmen of the Board of Supervisors of Nassau, Westchester and Suffolk Counties, respectively. Said President of the City Council and Chairmen of the Boards of Supervisors are sued also as representatives of the entire City Council and all the County Boards of Supervisors in the State of New York, such persons being so numerous as to make it impractical to bring them all before the Court. There is a common [fol. 5] question of law involved, that is the constitutionality of the State constitutional and statutory provisions relating to apportionment. Common relief is sought against all members of said Boards of Supervisors in their official capacities. It is the duty of the Board of Supervisors (and, in New York City of the City Council) in such counties as are entitled to more than one assemblyman, to divide the

county into as many assembly districts as are allotted to the County pursuant to an apportionment in accordance with certain Constitutional provisions set forth below.

Defendants Denis J. Mahon, James Powers, John R. Crews and Thomas Mallee are the duly appointed, qualified, and acting Commissioners of the Board of Elections of the City of New York, with offices at 80 Varick Street, New York, New York. Said Commissioners of Elections are sued also as representatives of all the Boards of Elections in the State of New York, such persons being so numerous as to make it impractical to bring them all before the Court. There is a common question of law involved, that is, the constitutionality of the State Constitutional and statutory provisions relating to apportionment. Common relief is sought against all members of said Boards of Elections in their official capacities. It is the duty of said Boards of Elections to supervise and conduct elections pursuant to the provisions of the election laws of the State of New York.

This action is brought against all of the aforenamed Defendants in their respective capacities.

[fol. 6] 6. The Plaintiffs are denied the right to due process and the equal protection of the laws as guaranteed by the XIV Amendment to the Constitution of the United States and they bring this action on their own behalf and on behalf of all taxpayers and all qualified voters of their respective Senate and Assembly districts, and further on behalf of all voters of the State of New York who are similarly situated for a declaration of their rights and a declaration of the invalidity of those sections of the Constitution of the State of New York, and the statutes implementing said sections which apportion the Senators and Assemblymen in the State of New York and for such declaratory and injunctive relief as may be proper to assure them and all other similarly situated due process and the equal protection of the laws which are now and have been for many years denied them by the Defendants and their predecessors in office who have complied with certain provisions of the Constitution of the State of New York, and statutes implementing said

provisions, which are violative of the Constitution of the United States, all of which being particularly set forth herein.

7. The XIV Amendment to the Constitution of the United States, Section 1, provides: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or [fol. 7] immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

8. The Constitution of the State of New York provides, for a periodic reapportionment of the State into Senate and Assembly districts in accordance with the formula contained in Article III, §§ 2-5 thereof, which sections are set forth in full in Exhibit II, annexed hereto and made a part hereof. Said Constitutional provisions are binding upon all of the Defendants herein in connection with the performance by them of their official duties relating to apportionment and election procedures in the State of New York.

9. Pursuant to the formula for apportionment contained in the aforesaid provisions of the State Constitution, the legislature from time to time following the Federal census taken decennially, and most recently in 1953 (L. 1953, C 893) has reapportioned the Senate and Assembly Districts. The present apportionment is contained in State Law §§ 120-123, set forth in full in Exhibit III annexed hereto and made a part hereof.

10. On information and belief, a Joint Legislative Committee of Reapportionment headed by Senator Robert C. McEwen and acting pursuant to a Joint Resolution of the Senate and Assembly is presently engaged, at considerable cost and expense to the taxpayers of the State of New [fol. 8] York, in preparing a reapportionment of the Senate and Assembly Districts of the State based upon the con-

stitutional provisions and the preliminary 1960 census figures.

11. Defendants have in the past complied, and it must be presumed they will continue to comply, with the State constitutional provisions until such time as such provisions shall be declared by competent authority to be invalid.

12. The provisions of the New York State Constitution Article III, §§ 2-5, violate the XIV Amendment of the Constitution of the United States because the apportionment formula contained therein results, and must necessarily result, when applied to the population figures of the State in a grossly unfair weighting of both houses in the State legislature in favor of the lesser populated rural areas of the state to the great disadvantage of the densely populated urban centers of the state.

13. In particular and among other things, insofar as the Senate apportionment is concerned that "mandatory" provision of the State Constitution which requires that the total of fifty Senators established by the 1894 Constitution shall be increased by those Senators to which any of the larger counties become entitled in addition to their allotment as of 1894, but without effect for decreases in other large counties, and that "mandatory" provision which prohibits any county from having four or more Senators unless it has a full ratio for each Senator, operate to cause the underrepresentation of the urban areas. Insofar [fol. 9] as the Assembly is concerned that "mandatory" provision which requires that every county except Hamilton shall always be entitled to one member coupled with the limitation of the entire membership to 150 necessarily results in underrepresentation in the Assembly of the large urban centers.

14. As a result of the 1953 apportionment, 58 Senatorial Districts and 150 Assembly Districts were created. With respect to the counties in which Plaintiffs reside, the following figures reflect the citizen population and the representation accorded said counties:

County	Citizen Population	Senators	Assemblymen
New York	1,795,726	6	16
Bronx	1,378,181	4	12
Kings	2,595,187	9	22
Queens	1,484,214	5	13
Suffolk	261,003	1	3
Nassau	655,690	3	6

In contrast to the foregoing, the following upstate counties were represented as follows:

County	Citizen Population	Senators	Assemblymen
43rd Senate District			
Jefferson	83,539	—	1
Lewis	22,187	—	1
Oswego	75,935	—	1
Total	181,661	1	3
Westchester	601,682	3	6

[fol. 10]

County	Citizen Population	Senators	Assemblymen
50th Senate District			
Ontario	59,269	—	1
Schuyler	14,066	—	1
Seneca	28,254	—	1
Wayne	56,662	—	1
Yates	17,461	—	1
Total	175,712	1	5

All of the foregoing figures are taken from the Report of the Joint Legislative Committee on Reapportionment, November 17, 1953 (which report is annexed hereto as Exhibit IV and made a part hereof).

It is apparent from the foregoing that whereas one Senator represents approximately 299,000 citizens in New York County (See Exhibit D to Exhibit IV hereof), one Senator represents substantially fewer citizens, in some

instances almost as few as half as many citizens in upstate counties. Moreover, whatever justification may exist for unequal representation in one house of a bicameral legislature, it is apparent that the gross distortion exists with respect to both houses of the New York legislature. For example, one Assemblyman represents 17,461 citizens of Yates County; one Assemblyman represents approximately 115,000 citizens in Bronx County.

The foregoing are merely illustrative of the malapportionment which exists generally between the urban and rural counties in both the Senate and Assembly.

15. The figures contained in the United States Bureau of Census report, *U.S. Census of Population 1960,* Number of Inhabitants, New York Final Report (P.C. (1) 34A). (Exhibit V annexed hereto and made a part hereof) indi- [fol. 11] cate that a reapportionment pursuant to the discriminatory constitutional formula and based on the 1960 census figures would only continue or even aggravate the existing malapportionment.

16. As a result of the constitutional provisions challenged herein, the Plaintiffs' votes are not as effective in either house of the legislature as the votes of other citizens residing in rural areas of the state. Plaintiffs and all others similarly situated suffer a debasement of their votes by virtue of the arbitrary, obsolete and unconstitutional apportionment of the legislature and they and all others similarly situated are denied the equal protection of the laws required by the Constitution of the United States.

17. By a purposeful and systematic plan embodied in the Constitution of the State and implemented by statute to discriminate against certain geographic areas and classes of persons and to deny them the equal protection of the laws, Plaintiffs and others similarly situated are denied rights guaranteed to them by the Federal Constitution. When all the inequalities and disparities resulting from the constitutional formula are taken together, it is apparent that the Plaintiffs and others similarly situated in the State of New York are governed by a legislature neither house of which is a body representative of the people. The mal-

apportionment which the State Constitution perpetuates is contrary to the prevailing philosophy of government in the [fol. 12] United States and all Anglo-Saxon jurisdictions in which the legislature has the power to make laws only because it has the power and duty to represent the people.

18. The State Legislature, the apportionment of which is controlled by the provisions challenged herein, has, as a result of such apportionment, consciously and purposefully discriminated against the Plaintiffs and others similarly situated in such manner as to deprive such persons of due process and the equal protection of the laws.

As a result of the aforesaid malapportionment the legislature of New York for a number of years has denied to Plaintiffs and to others similarly situated the equal protection of the laws by unjustly discriminating against large segments of the population of the state in the allocation of the burdens of taxation and in the unequal and unjust distribution of funds derived by the state through the exercise of the taxing powers. Plaintiff W.M.C.A., Inc. and the individual plaintiffs have been subjected to taxation without adequate representation in violation of the XIV Amendment.

19. The Defendants or their successors in office unless prevented by this Court must perform their duties as they and their predecessors in office have performed those duties since the enactment of the challenged constitutional provisions in 1894 and the rights of these Plaintiffs and all other qualified voters of the State of New York can be protected [fol. 13] only by decree of this Court declaring Article III, §§ 2-5 of the New York State Constitution and State Law §§ 121 and 123 to be unconstitutional and by enjoining the Defendants from performing any acts or duties in compliance with these unconstitutional provisions.

20. The Plaintiffs have no adequate remedy other than the judicial relief sought herein. Until such time as Article III, §§ 2-5 of the New York State Constitution shall have been declared invalid, Defendants will be bound thereby and are not free to exercise any discretion to alleviate the deprivations suffered by Plaintiffs. Only judicial relief can remedy this condition because:

A. Since the discriminatory provisions are embodied in the Constitution itself, only a constitutional amendment or judicial decree can remedy the situation: Under Article XIX, § 1 of the State Constitution, any amendment to the Constitution must be agreed to by a majority of the members elected to each of the two houses, whereupon it is referred to the next regular legislative session convening after the succeeding general election of members of the assembly. If the amendment receives majority approval, it is next referred to the people for approval in such manner and at such times as the legislature shall prescribe. If the people approve of the amendment by a majority vote it becomes a part of the Constitution on the first day of January next after such approval. Therefore, it would be [fol. 14] impossible, even were the legislature disposed to act immediately, to amend the provisions challenged herein prior to the next statewide election in 1962 or for sometime thereafter and the violation of Plaintiffs' rights would continue during such time. The only other means of amending the Constitution, by convention pursuant to Article XIX, § 2, will be unavailable until 1978. Upon declaration by this Court that Article III, §§ 2-5 of the Constitution is invalid, the legislature could promptly and well prior to the 1962 elections formulate some fair apportionment for the State and enact legislation to accomplish this result until such time as a new constitutional provision were adopted for the State.

B. The legislature is controlled and dominated by persons elected by a minority of citizens who may be expected to preserve the status quo which perpetuates their domination.

For a Second Cause of Action

21. Plaintiffs repeat each and every allegation contained in Paragraphs 1-20 hereof with the same force and effect as if set forth in full herein.

22. Sections 2-5 of Article III of the New York State Constitution were invalid and violative of the XIV Amendment of the United States Constitution at the time of their adoption in 1894. Adoption of these provisions and the

[fol. 15] 1953 apportionment thereunder constituted affirmative legislative action which deprived Plaintiffs of rights guaranteed by the XIV Amendment. The population growth in the State of New York and the shifts of population to urban areas have aggravated the violation of the Plaintiffs' rights under the XIV Amendment. The failure to revise the constitutional formula to accommodate these population changes has increased the gross disparities between population density and representation in the State legislature.

Wherefore, in the light of the aforesaid, the Plaintiffs respectfully plead that:

I. This Court take jurisdiction of this matter; that a special three judge court be called to hear and determine this case as by law provided in 28 U.S.C., Sec. 2281 et seq.; and declare the rights of the Plaintiffs pursuant to 28 U.S.C. Sec. 2201 in the premises to wit:

(a) that the present legislative apportionment contained in State Law §§ 121 and 123 has deprived and continues to deprive the Plaintiffs of liberty and property without due process of law and deprives Plaintiffs of the equal protection of the laws in violation of the XIV Amendment of the Constitution of the United States.

(b) that Article III, §§ 2-5 of the Constitution of the State of New York are similarly void and invalid as being contrary to the XIV Amendment of the Constitution of the United States.

[fol. 16] II. Plaintiffs further pray that after hearing this action, the Court grant further relief in accord with 28 U.S.C., Section 2202 as follows:

(a) To restrain the Defendant Caroline K. Simon from printing, mailing or otherwise distributing or causing to be printed, mailed or otherwise distributed any election materials prepared pursuant to Article III, §§ 2-5 of the State Constitution or applying the provisions thereof, or of any other statute in implementation thereof, including State Laws, Sections 121 and 123, in such manner as to deprive Plaintiffs of due process and equal protection of

the laws as guaranteed by the Constitution of the United States.

(b) To restrain the Defendant Louis J. Lefkowitz from enforcing the aforesaid constitutional and statutory provisions.

(c) To restrain the Defendants Abe Stark, A. Holly Patterson, Owen M. Quinn and William J. Leonard and all other members of the County Boards of Supervisors of the State of New York from preparing any apportionment of the State into the Assembly Districts upon the basis of allocations made pursuant to Article III, §5 of the State Constitution.

(d) To restrain the Defendants Denis J. Mahon, James Powers, John R. Crews and Thomas Mallee and all members of the County Boards of Elections of the State of New York from supervising or conducting elections held pursuant to Article III, §§ 2-5 of the State Constitution and State Laws, §§ 121-123.

[fol. 17] III. Plaintiffs further pray that this Court:

(a) Should retain jurisdiction of this cause until such time as the legislature of the State, freed from the fetters imposed by the Constitutional provisions invalidated by this Court, provides for such apportionment of the State legislature as will insure to the urban voters of New York State the rights guaranteed them by the Constitution of the United States.

(b) Should grant such other and further relief as to this Court may seem just and proper.

Leonard B. Sand, Esq., Robinson, Silverman, Pearce & Aronsohn, Esqs., Office and P.O. Address: 230 Park Avenue, New York 17, New York;

Max Gross, Esq., Office and P.O. Address: Concourse Plaza Hotel, New York 51, New York, Attorneys for Plaintiffs.

May 1961

[fol. 18]

Exhibits I–III to Complaint

(omitted in printing)

[fol. 31]

EXHIBIT IV TO COMPLAINT

Legislative Document (1953) No. 98

STATE OF NEW YORK

REPORT

OF THE

JOINT LEGISLATIVE COMMITTEE

ON

REAPPORTIONMENT

November 17, 1953

(Emblem)

ALBANY
WILLIAMS PRESS, INC.
1953

[fol. 31a]

To the Legislature of the State of New York:

There is submitted herewith a bill for the readjustment of Senate districts and the reapportionment of members of the Assembly. This bill is hereunto annexed and marked Exhibit "A."

By joint resolution of the Senate and Assembly, adopted on March 29, 1949, your committee was created to organize and make a thorough preliminary investigation and study in connection with the subject of the next ensuing reapportionment of members of Assembly and readjustment or

alteration of Senate and Assembly districts, and of congressional districts of the State to the end that such necessary and appropriate preliminary work might be commenced and its results might be available for use at the time when such reapportionment, readjustment or alteration is required to be undertaken.

Subsequently by joint resolutions the time of your committee to make its report was extended to March 31, 1954. Your committee was reappointed June 19, 1953.

Upon the adoption of said joint resolution creating your committee, it proceeded to organize and to discharge the duties imposed upon it by said joint resolution.

During an extraordinary session of the Legislature held in December, 1951, your committee prepared and submitted to your Honorable Bodies a bill dealing with congressional redistricting, which said bill was enacted into law.

[fol. 31b]

I

READJUSTMENT AND REAPPORTIONMENT BASED UPON FEDERAL DECENNIAL CENSUS MANDATORY

The Constitution requires that after each Federal decennial census, the Legislature shall readjust and alter the Senate districts and reapportion the members of the Assembly and by the same law. These constitutional provisions are found in Sections 4 and 5 of Article III of the Constitution which respectively read in part as follows:

> "At the regular session in the year nineteen hundred thirty-two, and at the first regular session after the year nineteen hundred forty and after each tenth year therefrom the Senate districts shall be readjusted or altered, but if, in any decade, counting from and including that which begins with the year nineteen hundred thirty-one, such a readjustment or alteration is not made at the time above prescribed, it shall be made at a subsequent session occurring not later than the sixth year of such decade, meaning not later than nineteen hundred thirty-six, nineteen hundred forty-six, nineteen hundred fifty-six, and so on; provided, however,

that if such districts shall have been readjusted or altered, by law in either of the years nineteen hundred thirty or nineteen hundred thirty-one, they shall remain unaltered until the first regular session after the year nineteen hundred forty.

"The members of the assembly shall be chosen by single districts and shall be apportioned by the legislature at each regular session at which the senate districts are readjusted or altered, and by the same law, among the several counties of the state, as nearly as may be according to the number of their respective inhabitants, excluding aliens."

The Constitution further provides that the readjustment and alteration of Senate districts and reapportionment of Assembly districts shall be based upon the decennial Federal census. This constitutional requirement is found in Section 4 of Article III of the Constitution and reads as follows:

"Except as herein otherwise provided, the federal census taken in the year nineteen hundred thirty and each federal census taken decennially thereafter shall be controlling as to the number of inhabitants in the state or any part thereof for the purposes of the apportionment of members of assembly and readjustment or alteration of senate and assembly districts next occurring, in so far as such census and the tabulation thereof purport to give the information necessary therefor."

[fol. 31c] In 1949 prior to the taking of the 1950 Federal decennial census, the then chairman of your committee, Hon. Harry A. Reoux, and members of the committee's legal staff conferred with officials of the Census Bureau at Washington regarding the method of taking a census of the citizen population of the State and also with regard to the taking of a census of the whole number of inhabitants and of the citizen population of certain city and town blocks and certain towns.

They were advised that since the Federal Law contained no requirement that the citizen population be separately shown it was the plan of the bureau to determine the citizen population of the State and of its subdivisions by means of a 20 per cent sample. Because of the importance of legislative readjustment and reapportionment your committee determined that an actual census of the citizen population of the State and of its subdivisions should be obtained. Accordingly, a contract was entered into with the Bureau of the Census for such census enumeration. The cost to the State of obtaining this complete census of citizen population was $200,000. A further contract was entered into with the Bureau for a census of the whole number of inhabitants and citizen population of certain city and town blocks and of certain towns.

That data was duly received. Upon its receipt, large scale master maps were prepared by your committee staff for each of the cities and counties which were required to be subdivided in the formation of Senate or Assembly districts. Upon these maps were entered census tracts and enumeration districts and also blocks and health districts. In each block tract and enumeration district there was then entered the total population and citizen population.

Annexed hereto and marked Exhibits "B" and "C" respectively is a copy of the certificate of the Director of the Census duly attested as required by Section 401 of the Civil Practice Act. A summary statement of the census tabulation showing the total population and citizen population of each of the counties of the State is also given.

According to the figures furnished by the Bureau of the Census, the citizen population of the State increased by 1,802,120 or approximately 14.5% from 1940 to 1950. The rate of increase among the counties of the State was not uniform. Three counties, Clinton, Hamilton and Lewis, actually lost in citizen population. Six counties, Essex, Franklin, Greene, Jefferson, Montgomery and Washington, gained less than 5% each. Fourteen counties showed a gain of 14.5%, the statewide average or better. The remaining thirty-nine counties of the State showed gains ranging from 5% to just under the average of 14.5%.

The counties, which showed gains of 14.5% or better, were for the most part either suburban counties or counties having medium sized cities. They were: Nassau, 71%; Suffolk, 42.7%; Tompkins, 40.4%; Niagara, 23.9%; Queens, 23.2%; Putnam, 22.9%; Rockland, 21.9%; Schenectady, 19.1%; Chemung, 18.6%; Onondaga, 18.2%; Madison, 17.3%; Saratoga, 15.6%; Erie, 14.7%; and Dutchess, 14.5%.

[fol. 31d] This shift in the population of the State has necessitated substantial changes in the existing Senate districts in order to comply with the constitutional requirement that the districts be as nearly equal in citizen population as may be. Saratoga had to be separated from Rensselaer; and Montgomery from Schenectady. Clinton had to be joined to St. Lawrence and Franklin; and Lewis to Jefferson and Oswego. Various changes had to be made in creating Senate districts among the counties in the southern tier and in the central part of the State. Niagara County had gained a population entitling it, alone, to a Senate district. This was done. And this necessitated the joinder of Orleans to Allegany, Genesee, Livingston and Wyoming.

This shift in population also necessitated changes in apportioning members of the Assembly among the counties of the State having a citizen population of more than two ratios. Albany and Bronx each lost one Assemblyman, and Kings lost two. Queens and Suffolk each gained an Assemblyman, and Nassau gained two.

[fol. 31e]

II

READJUSTMENT OF SENATE DISTRICTS

The readjustment of Senate districts involves two problems. The first problem is to determine the total number of Senate districts. The second is the creation of such Senate districts.

a. The Number of Senate Districts

Article III, Section 2 of the constitution, provides as follows:

> "The senate shall consist of fifty members, except as hereinafter provided."

The exception referred to is found in Section 4 of Article III of the Constitution and reads as follows:

> "The ratio for apportioning senators shall always be obtained by dividing the number of inhabitants, excluding aliens, by fifty, and the senate shall always be composed of fifty members, except that if any county having three or more senators at the time of any apportionment shall be entitled on such ratio to an additional senator or senators, such additional senator or senators shall be given to such county in addition to the fifty senators, and the whole number of senators shall be increased to that extent."

These provisions of the Constitution have been interpreted by the Court of Appeals in *Matter of Dowling*, 219 N. Y. 44 and in *Matter of Fay*, 291 N. Y. 198. In accordance with the rules laid down by the Court of Appeals in these cases, the following is the method which must be used to determine the whole number of senators.

The citizen population of the State is divided by fifty to obtain the ratio for apportioning senators. Each county having three or more full ratios is allotted a senator for each full ratio. The number of senators so allotted to each such county is then compared with the number given it in the Constitution of 1894 and any increase resulting from such comparison is added to fifty to give the whole number of senators. Where a county has been divided since the adoption of the 1894 Constitution the number of senators allotted on the ratio to the counties comprising substantially the same territory as was contained in such original county is compared with the number of senators given such county in the Constitution of 1894 and any resulting increase is added to the whole number of senators.

As was pointed out by the Court of Appeals in the *Matter of Dowling* supra, this interpretation of the constitutional provisions regulating the number of senators is in accord with the intent of the people as expressed in the convention which adopted the 1894 Constitution. That intent was to provide for increased representation to the more populous counties without taking representation from the smaller counties in the State.

[fol. 31f] According to the 1950 census the citizen population of the State is 14,203,449. Dividing that by 50 gives a ratio of 284,069. Upon the basis of that ratio Kings County has a citizen population entitling it to 9 senators; New York, a citizen population entitling it to 6 senators; Bronx, a citizen population entitling it to 4 senators; Erie, a citizen population entitling it to 3 senators; Queens, a citizen population entitling it to 5 senators, and Nassau, which was a part of Queens County at the time of the adoption of the 1894 Constitution, a citizen population entitling it to two senators. Comparing the number of senators to which each of these counties is entitled on the ratio on the present apportionment with the number allotted it by the Constitution of 1894, we find that Kings County has an increase of 2 and Queens and Nassau Counties which constitute substantially the same territory as Queens County in 1894, an increase of 6, a total increase of 8, which gives a Senate of 58.

The following is a table showing the comparison between the number of senators allotted to counties entitled to three or more senators on this apportionment and the number allotted to such counties under the 1894 Constitution.

COUNTY	No. under 1894	No. under this apportionment	Increase
Kings	7	9	2
New York	12	6	
Bronx		4	
Queens	1	5	6
Nassau		2	
Erie	3	3	
Total increase			8

NOTE: Present Bronx and New York Counties comprise substantially the same territory as New York County in 1894. Present Queens and Nassau Counties comprise substantially the same territory as Queens County in 1894.

b. Readjustment of Senate Districts

In connection with the readjustment of Senate districts the Constitution lays down for the guidance of the Legislature certain rules which are found in Article III, Section 4 of the Constitution. Of these rules the following are man-

datory and permit no exercise of discretion on the part of the Legislature.

1. Each district shall at all times consist of contiguous territory.
2. No county shall be divided in the formation of a Senate district, except to make two or more Senate districts wholly within such county.
3. No town, except a town having more than a full ratio of apportionment and no block in a city enclosed by streets or public ways shall be divided in the formation of a Senate district.

[fol. 31g] 4. No district shall contain a greater excess in population over an adjoining district in the same county than the population of a town or block therein adjoining such district.

5. No county shall have four or more senators unless it shall have a full ratio for each senator.
6. No county shall have more than one-third of all the senators.
7. No two counties or the territory thereof as now organized which are adjoining counties or which are separated only by public waters, shall have more than one-half of all the senators.

The following rules are directory and involve the exercise of some discretion on the part of the Legislature.

1. Each Senate district shall contain as nearly as may be, an equal number of inhabitants, excluding aliens.
2. Each Senate district shall be in as compact form as practicable.
3. Counties, towns or blocks which form their location may be included in either of two districts, shall be so placed as to make said districts more nearly equal in number of inhabitants, excluding aliens.

Where a conflict arises between rules that are mandatory and those that involve discretion, the rules involving discretion must, of course, yield to the mandatory requirements

of the Constitution. Where two rules involving discretion conflict, or where two rules that are mandatory conflict, the choice of the rule to be followed rests with the Legislature. *Matter of Sherrill* v. *O'Brien*, 188 N. Y. 185, at page 211. In erecting the districts in the counties of the City of New York, your committee was confronted with the problem of making a choice between equality of population and compactness. An instance of this is the 21st and 22nd Senatorial districts, both of which are in New York County. In order to preserve equality of population, it was necessary to erect these districts with slightly irregular lines. The committee is of the opinion that in the case of these districts, and of other districts in the City of New York, it is more important that equality of population be preserved than that the districts have exactly regular boundary lines. Again, the boundary line between the County of Bronx and the County of New York divides a city block enclosed by public streets. Here, your committee was faced with the problem either of dividing a city block in the creation of Senate districts, or of dividing a county. It determined to divide the city block to avoid the division of a county.

In the bill submitted herewith your committee has apportioned to each county having a citizen population equal to or in excess of three full ratios, one senator for each such ratio. This has resulted in the apportionment of 27 senators, 9 to Kings County, 6 to New York County, 5 to Queens County, 4 to Bronx County and 3 to Erie County. The total citizen population of these five counties is 8,131,810. Deducting 27, the number of senators apportioned to these five counties, from 58, the whole number of [fol. 31h] senators, and 8,131,810, the citizen population of these counties, from 14,203,449, the total citizen population of the State, leaves 31 senators to be apportioned among the remaining 57 counties having an aggregate citizen population of 6,071,639.

In apportioning these remaining thirty-one senators, it was, of course, necessary to observe the mandatory requirements of the Constitution and to give due consideration that the districts be as compact as practicable. Annexed hereto and marked Exhibit "D" is a schedule, showing the Senate districts and the citizen population by counties.

[fol. 31i] III

REAPPORTIONMENT OF MEMBERS OF ASSEMBLY

Section 2 of Article III of the Constitution provides that the Assembly shall always consist of 150 members. Section 5 of Article III of the Constitution provides that the members of the Assembly shall be apportioned among the several counties of the State at each regular session at which Senate districts are readjusted or altered and by the same law. This section prescribes the method of apportioning members of the Assembly as follows:

The ratio for apportioning members of the Assembly is obtained by dividing the citizen population of the State by 150. One member is apportioned to every county which has a citizen population of less than one and one-half times the ratio. Fulton with Hamilton is taken as one county. Two assemblymen are apportioned to every other county. The remaining members of Assembly are apportioned to the counties having a citizen population of more than two full ratios. Members apportioned on remainders are apportioned to the counties having the highest remainders in the order thereof respectively. No county is given more members of Assembly than a county having a larger citizen population.

The citizen population of the State is 14,203,449. Dividing that figure by 150 results in a ratio of 94,690. One and one-half times that ratio is 142,035 and twice that ratio is 189,380. To each of the 45 counties (including Fulton and Hamilton as one county), having a citizen population of less than one and one-half times the ratio, one assemblyman is apportioned. Two assemblymen are apportioned to each of the other 16 counties in the State. This leaves 73 members of Assembly to be apportioned to the counties each of which has a citizen population of more than twice the ratio.

The Constitution does not prescribe the precise formula to be used in apportioning these additional members of Assembly. Several formulae for this apportionment have been suggested. Only one, the Brown Formula, has ever been used. This formula was employed by the Constitution of 1894 and in each valid reapportionment made thereafter.

Its use was approved by the Court of Appeals in *Matter of Dowling* and *Matter of Fay*, supra. The committee has followed that formula.

The application of the Brown Formula is as follows:

From the citizen population of each county having a citizen population or more than two ratios, two ratios are deducted. The results are added and divided by seventy-three, the remaining number of assemblymen to be apportioned to those counties to give a second ratio. This second ratio is then divided into the citizen population of each such county less two ratios and a number of assemblymen equal to the resulting whole number is apportioned to each [fol. 31j] such county. Any assemblymen then remaining unapportioned are apportioned to the counties having the highest remainders and in the order thereof.

Annexed thereto and marked Exhibit "E" is a schedule showing the citizen population of each county and the number of assemblymen allotted to it.

IV

Your committee wishes to express its thanks to its Executive Clerk, Mr. C. Burr Reed, and to the other members of its staff for their assistance and co-operation.

On the resignation as Chairman of the Honorable Harry A. Reoux, Pliny W. Williamson was appointed Chairman of the Committee.

Dated, *November* 10, 1953.

(Signed) PLINY W. WILLIAMSON, *Chairman*
FRED W. PRELLER, *Vice-Chairman*
JOHN H. HUGHES
ALONZO L. WATERS
GEORGE F. DANNEBROCK

[fol. 31k]

EXHIBIT B

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

WASHINGTON 25

August 16, 1951

I HEREBY CERTIFY, That the total population and the citizen population (excluding aliens) of the State of New York, and of each county of that State and of the minor civil divisions therein, and of each block in each of the specified cities therein, according to the returns of the Seventeenth Census of the United States, taken as of April 1, 1950, are as stated in the tabulations furnished to the Joint Legislative Committee on Reapportionment of the State of New York on the dates indicated on the list attached.

(Signed) ROY V. PEEL, *Director,*
Bureau of the Census

DEPARTMENT OF COMMERCE

OFFICE OF THE SECRETARY

I HEREBY CERTIFY, That Roy V. Peel, who signed the foregoing certificate, is now, and was at the time of signing, Director of the Census, and that full faith and credit should be given his certification as such.

[SEAL]

Department of Commerce
United States of America

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of Commerce to be affixed, this sixteenth day of August, one thousand nine hundred and fifty-one.

For the Secretary of Commerce:

(Signed) L. A. SHEA, *Acting Chief Clerk*

ALBANY, NEW YORK, *December* 15, 1953

I HEREBY CERTIFY, That the citizen population (excluding aliens) figures for each city, village, town or block, as used in the apportionment of Senate or Assembly districts are the same as furnished the Joint Legislative Committee on Reapportionment by the Bureau of the Census, Washington, D. C.

PLINY W. WILLIAMSON, *Chairman,*
Joint Legislative Committee on
Reapportionment

[fol. 311]

EXHIBIT C

County	Total Population	Citizen Population
Bronx	1,451,277	1,378,181
Kings	2,738,175	2,595,187
New York	1,960,101	1,795,726
Queens	1,550,849	1,484,214
Richmond	191,555	185,032
Albany	239,386	234,068
Allegany	43,784	43,475
Broome	184,698	181,496
Cattaraugus	77,901	76,993
Cayuga	70,136	69,037
Chautauqua	135,189	133,159
Chemung	86,827	85,989
Chenango	39,138	38,741
Clinton	53,622	52,443
Columbia	43,182	42,111
Cortland	37,158	36,786
Delaware	44,420	43,863
Dutchess	136,781	131,969
Erie	899,238	878,502
Essex	35,086	34,542
Franklin	44,830	43,919
Fulton	51,021	50,135
Genesee	47,584	46,690
Greene	28,745	28,082
Hamilton	4,105	4,055

County	Total Population	Citizen Population
Herkimer	61,407	59,693
Jefferson	85,521	83,539
Lewis	22,521	22,187
Livingston	40,257	39,692
Madison	46,214	45,624
Monroe	487,632	475,037
Montgomery	59,594	57,610
Nassau	672,765	655,690
Niagara	189,992	184,161
Oneida	222,855	216,486
Onondaga	341,719	334,453
Ontario	60,172	59,269
Orange	152,255	148,429
Orleans	29,832	29,306
Oswego	77,181	75,935
Otsego	50,763	50,089
Putnam	20,307	19,668
Rensselaer	132,607	129,995
Rockland	89,276	86,123
St. Lawrence	98,897	96,517
Saratoga	74,869	73,447
Schenectady	142,497	139,304
Schoharie	22,703	22,218
Schuyler	14,182	14,066
Seneca	29,253	28,254
Steuben	91,439	90,761
Suffolk	276,129	261,003
Sullivan	40,731	39,359
Tioga	30,166	29,826
Tompkins	59,122	57,853
Ulster	92,621	90,350
Warren	39,205	38,677
Washington	47,144	46,353
Wayne	57,323	56,662
Westchester	625,816	601,682
Wyoming	32,822	32,275
Yates	17,615	17,461

[fol. 31m]

EXHIBIT D

1953 Senate Districts
1953 REAPPORTIONMENT
Based on 1950 Federal Census

Senate District	Citizen Population	District Formation		County Citizen Population
1	261,003	Suffolk		261,003
2	218,564	Nassau	(part)	
3	218,562	Nassau	(part)	
4	218,564	Nassau	(part)	655,690
5	296,843	Queens	(part)	
6	296,842	Queens	(part)	
7	296,813	Queens	(part)	
8	296,842	Queens	(part)	
9	296,841	Queens	(part)	1,484,214
10	288,355	Kings	(part)	
11	288,355	Kings	(part)	
12	288,358	Kings	(part)	
13	288,354	Kings	(part)	
14	288,355	Kings	(part)	
15	288,353	Kings	(part)	
16	288,352	Kings	(part)	
17	288,352	Kings	(part)	
18	288,353	Kings	(part)	2,595,187
19	185,032	Richmond		185,032
20	299,290	New York	(part)	
21	299,288	New York	(part)	
22	299,288	New York	(part)	
23	299,285	New York	(part)	
24	299,290	New York	(part)	
25	299,285	New York	(part)	1,795,726
26	344,547	Bronx	(part)	
27	344,545	Bronx	(part)	
28	344,542	Bronx	(part)	
29	344,547	Bronx	(part)	1,378,181
30	200,560	Westchester	(part)	
31	200,560	Westchester	(part)	

Senate District	Citizen Population	District Formation	County Citizen Population
32	200,562	Westchester (part)	601,682
33	234,552	Orange	148,429
		Rockland	86,123
34	201,654	Delaware	43,863
		Greene	28,082
		Sullivan	39,359
		Ulster	90,350
35	193,748	Columbia	42,111
		Dutchess	131,969
		Putnam	19,668
36	234,068	Albany	234,068
37	176,348	Rensselaer	129,995
		Washington	46,353
38	161,522	Schenectady	139,304
		Schoharie	22,218
39	146,666	Essex	34,542
		Saratoga	73,447
		Warren	38,677
40	192,879	Clinton	52,443
		Franklin	43,919
		St. Lawrence	96,517
41	171,493	Fulton	50,135
		Hamilton	4,055
		Herkimer	59,693
		Montgomery	57,610
[fol. 31n]			
42	216,486	Oneida	216,486
43	181,661	Jefferson	83,539
		Lewis	22,187
		Oswego	75,935
44	167,226	Onondaga (part)	
45	167,227	Onondaga (part)	334,453
46	171,240	Chenango	38,741
		Cortland	36,786
		Madison	45,624
		Otsego	50,089
47	181,496	Broome	181,496
48	156,716	Cayuga	69,037
		Tompkins	57,853
		Tioga	29,826

Senate District	Citizen Population	District Formation	County Citizen Population
49	176,750	Chemung	85,989
		Steuben	90,761
		Ontario	59,269
50	175,712	Schuyler	14,066
		Seneca	28,254
		Wayne	56,662
		Yates	17,461
51	237,518	Monroe (part)	
52	237,519	Monroe (part)	475,037
53	191,438	Allegany	43,475
		Genesee	46,690
		Livingston	39,692
		Orleans	29,306
		Wyoming	32,275
		Niagara	184,161
54	184,161	Erie (part)	
55	292,836	Erie (part)	
56	292,831	Erie (part)	878,502
57	292,835	Cattaraugus	76,993
58	210,152	Chautauqua	133,159

[fol. 31o]

EXHIBIT E

County	Citizen Population	No. of Assemblymen
Bronx	1,378,181	12
Kings	2,595,187	22
New York	1,795,726	16
Queens	1,484,214	13
Richmond	185,032	2
Albany	234,068	2
Allegany	43,475	1
Broome	181,496	2
Cattaraugus	76,993	1
Cayuga	69,037	1
Chautauqua	133,159	1
Chemung	85,989	1
Chenango	38,741	1
Clinton	52,443	1
Columbia	42,111	1
Cortland	36,786	1
Delaware	43,863	1
Dutchess	131,969	1
Erie	878,502	8
Essex	34,542	1
Franklin	43,919	1
Fulton	50,135	1 (with Hamilton)
Genesee	46,690	1
Greene	28,082	1
Hamilton	4,055	(with Fulton)
Herkimer	59,693	1
Jefferson	83,539	1
Lewis	22,187	1
Livingston	39,692	1
Madison	45,624	1
Monroe	475,037	4
Montgomery	57,610	1
Nassau	655,690	6
Niagara	184,161	2
Oneida	216,486	2
Onondaga	334,453	3

County	Citizen Population	No. of Assemblymen
Ontario	59,269	1
Orange	148,429	2
Orleans	29,306	1
Oswego	75,935	1
Otsego	50,089	1
Putnam	19,668	1
Renseelaer	129,995	1
Rockland	86,123	1
St. Lawrence	96,517	1
Saratoga	73,447	1
Schenectady	139,304	1
Schoharie	22,218	1
Schuyler	14,066	1
Seneca	28,254	1
Steuben	90,761	1
Suffolk	261,003	3
Sullivan	39,359	1
Tioga	29,826	1
Tompkins	57,853	1
Ulster	90,350	1
Warren	38,677	1
Washington	46,353	1
Wayne	56,662	1
Westchester	601,682	6
Wyoming	32,275	1
Yates	17,461	1

[fol. 32]

EXHIBIT V TO COMPLAINT

UNITED STATES CENSUS OF

POPULATION

1960

NEW YORK

[fol. 32a]

NUMBER OF INHABITANTS

INTRODUCTION

This report presents statistics on the number of inhabitants of the State and its counties or comparable areas. In addition, figures are presented for minor civil divisions (townships, New England towns, etc.), urban places, incorporated places (cities, boroughs, villages, etc.), urbanized areas, standard metropolitan statistical areas, and on the population of the State and its counties or comparable areas classified by urban-rural residence. These data were secured in the 1960 Census of Population, conducted as of April 1, 1960. Comparable statistics from earlier censuses are also presented.

The extent of presentation of separate statistics for individual States is related, in part, to the Constitutional requirement that census figures serve as the basis for Congressional apportionment. Some of the detailed presentation for States, and even more of that for counties, cities, and minor civil divisions is based on Census Bureau experience as to what information is most wanted, supplemented by recommendations of our advisory committees, research, educational, and business organizations, and individuals. Financial limitations are, of course, an underlying factor compelling conciseness and such allocation of space as will serve all needs as fully as possible.

Usual place of residence.—In accordance with census practice dating back to 1790, each person enumerated in

the 1960 Census was counted as an inhabitant of his usual place of residence or usual place of abode, which is generally construed to mean the place where he lives and sleeps most of the time. This place is not necessarily the same as his legal residence, voting residence, or domicile; however, in the vast majority of cases, the use of these different bases of classification would produce substantially the same statistics, although there may be appreciable differences for a few areas.

In the application of this rule, persons were not always counted as residents of the places in which they happened to be found by the census enumerators. Persons in the larger hotels, motels, and similar places where guests usually pay for quarters were enumerated on the night of March 31, and those whose usual place of residence was elsewhere were allocated to their homes. In addition, information on persons away from their usual place of residence was obtained from other members of their families, landladies, etc. If an entire family was expected to be away during the whole period of the enumeration, information on it was obtained from neighbors. A matching process was used to eliminate duplicate reports for a person who reported for himself while away from his usual residence and who was also reported at his usual residence by someone else.

Persons in the Armed Forces quartered on military installations were enumerated as residents of the States, counties, and minor civil divisions in which their installations were located. Members of their families were enumerated where they actually resided. As in 1950, college students were considered residents of the communities in which they were residing while attending college. The crews of vessels of the U.S. Navy and the American Merchant Marine in harbors of the United States were counted as part of the population of the ports in which their vessels were berthed on April 1, 1960. Inmates of institutions, who ordinarily live there for long periods of time, were counted as inhabitants of the place in which the institution was located; whereas patients in general hospitals, who ordinarily remain for short periods of time, were counted at, or allocated to, their homes. Persons without a usual

place of residence were counted where they were enumerated.

Americans who were overseas for an extended period (in the Armed Forces, working at civilian jobs, studying in foreign universities, etc.) are not included in the population of any of the States or the District of Columbia. On the other hand, persons temporarily abroad on vacations, business trips, and the like, were enumerated at their usual residences on the basis of information received from members of their families or from neighbors.

Urban-rural residence.—Data on the population of the State by urban-rural residence are shown for the State in table 1 and for the counties, or comparable areas, in table 6. According to the definition adopted for use in the 1960 Census, the urban population comprises all persons living in (*a*) places of 2,500 inhabitants or more incorporated as cities, boroughs, villages, and towns (except towns in New England, New York, and Wisconsin); (*b*) the densely settled urban fringe, whether incorporated or unincorporated, of urbanized areas (see section below); (*c*) towns in New England and townships in New Jersey and Pennsylvania which contain no incorporated municipalities as subdivisions and have either 25,000 inhabitants or more or a population of 2,500 to 25,000 and a density of 1,500 persons or more per square mile; (*d*) counties in States other than the New England States, New Jersey, and Pennsylvania that have no incorporated municipalities within their boundaries and have a density of 1,500 persons or more per square mile; and (*e*) unincorporated places of 2,500 inhabitants or more.

This definition of urban is substantially the same as that used in 1950; the major difference between 1950 and 1960 is the designation in 1960 of urban towns in New England and of urban townships in New Jersey and Pennsylvania. The effect on population classification arising from this change was actually less than the list of *those* places classified as urban under special rules would suggest, because, in 1950, most of the population living in such places was classified as urban by virtue of residence in an urbanized area or in an unincorporated urban place. (See sections below.) In censuses prior to 1950, the urban population

comprised all persons living in incorporated places of 2,500 inhabitants or more and areas (usually minor civil divisions) classified as urban under somewhat different special rules relating to population size and density. In all definitions, the population not classified as urban constitutes the rural population. In the tables presenting the population by urban-rural residence, the "current" urban definition refers to the population classified in accordance with the definitions used in 1950 and 1960. The term "previous" urban definition refers to the definition used prior to 1950.

The most important component of the urban territory in all definitions is the group of incorporated places having 2,500 inhabitants or more. A definition of urban territory restricted to such places, however, excludes a number of equally large and densely settled places merely because they are not incorporated places. Under the definition used previous to 1950, an effort was made to avoid some of [fol. 32b] the more obvious omissions by the inclusion of selected places which were classified as urban under special rules. Even with these rules, however, many large and closely built-up places were excluded from the urban territory.

To improve its measure of the urban population, the Bureau of the Census adopted, in 1950, the concept of the urbanized area and delineated, in advance of enumeration, boundaries for unincorporated places. All the population residing in urban-fringe areas and in unincorporated places of 2,500 or more is classified as urban according to the "current" definition. The urban towns, townships, and counties as defined for the 1960 Census are somewhat similar in concept to the minor civil divisions classified as urban under special rules in 1940 and 1930.

For the convenience of those interested in the historical trend of the urban and rural population, the 1950 and 1960 population figures are shown on the basis of both the "current" definition and the "previous" definition. Although the Bureau of the Census has employed other definitions of "urban" in prior years, the urban and rural population figures published here as according to the "previous" definition have been revised to present a substantially consistent series.

Counties.—The primary divisions of the States are, in general, termed counties, but in Louisiana these divisions are known as parishes. There are no counties in Alaska; in this State, data are shown for election districts, which are the nearest equivalents of counties. In some States (Maryland, Missouri, and Virginia), there are also a number of cities which are independent of any county organization and thus constitute primary divisions of their States.

Minor civil divisions.—To the primary political divisions into which counties or comparable areas are divided, the Bureau of the Census applies the general term "minor civil divisions." Statistics on the population of each county or comparable area by minor civil divisions appear in table 7. Incorporated places which are not themselves minor civil divisions and unincorporated places are shown indented under the minor civil divisions in which they are located. When an incorporated or unincorporated place lies in more than one minor civil division, the population of the several parts is shown in table 7 under the appropriate minor civil division, and each part is designated as "part." The total population of such places appears in table 8. Unincorporated places are designated by "U" and urban towns and townships by "UT." Changes effected between 1950 and 1960 in boundaries of the areas are shown in the notes at the end of table 7. Boundary changes occurring between 1940 and 1950 are given in table 6 of State reports of the 1950 Census of Population.

Places.—The term "place" as used in reports of the decennial censuses refers to a concentration of population, regardless of the existence of legally prescribed limits, powers, or functions. Most of the places listed are incorporated as cities, towns, villages, or boroughs, however. In addition, the larger unincorporated places outside the urbanized areas were delineated and those with a population of 1,000 or more are presented in the same manner as incorporated places of equal size. Each unincorporated place possesses a definite nucleus of residences and has its boundaries drawn so as to include, if feasible, all the surrounding closely settled area. Furthermore, unincorporated places are shown within urbanized areas if

they have 10,000 inhabitants or more and if there was an expression of local interest in their recognition. The towns in New England and townships in New Jersey and Pennsylvania recognized as urban are also counted as places.

Incorporated places.—Political units recognized as incorporated places in the reports of the decennial censuses are those which are incorporated as cities, boroughs, towns, and villages with the exception that towns are not recognized as incorporated places in the New England States, New York, and Wisconsin. The towns in these States are minor civil divisions similar to the townships found in other States and not necessarily thickly settled centers of population such as the cities, boroughs, towns, and villages in other States. Similarly, in New Jersey and Pennsylvania, where some townships possess powers and functions similar to those of incorporated places, the townships are not classified as "incorporated places." Thus some minor civil divisions which are "incorporated" in one legal sense of the word are not regarded by the Census Bureau as "incorporated places." Without this restriction all of the towns in the New England States, New York, and Wisconsin and the townships in New Jersey and Pennsylvania would have to be counted as incorporated places without any consideration of the nature of population settlement. A number of towns and townships in these States do qualify, however; as urban towns or townships and in others the densely settled portions are recognized as unincorporated places or as parts of an urban fringe.

Unincorporated places.—As in the 1950 Census, the Bureau has delineated boundaries for densely settled population centers without corporate limits. All such places of 1,000 inhabitants or more are shown in tables 7 and 8. Population data for 1950 are shown only for those unincorporated places which had the same name in both 1950 and 1960. Of course, the boundaries of many such places have changed as the communities have grown.

Urban places.—The count of urban places in 1960 includes all incorporated and unincorporated places of 2,500 inhabitants or more, and the towns, townships, and counties classified as urban. Under the "previous" urban def-

inition, places of 2,500 or more and the areas urban under special rules were urban places.

Annexations.—The population figure for an incorporated place at earlier censuses applies to the area of the place at the time of the given census. Hence, the indicated change in population over the decade reflects the effect of any annexations or detachments. In order to permit an analysis of the relative importance of population growth within the old boundaries and of population added in annexed territory, table 9 for incorporated places of 2,500 or more has been included in this report. There were a great many annexations to cities in the decade of the 1950's, and some of them involved large areas.

Urbanized areas.—The major objective of the Bureau of the Census in delineating urbanized areas was to provide a better separation of urban and rural population in the vicinity of the larger cities, but individual urbanized areas have proved to be useful statistical areas. They correspond to what are called "conurbations" in some other countries. An urbanized area contains at least one city of 50,000 inhabitants or more in 1960,[1] as well as the surrounding closely settled incorporated places and unincorporated areas that meet the criteria listed below. All persons residing in an urbanized area are included in the urban population.

It appeared desirable to delineate the urbanized areas in terms of the 1960 Census results rather than prior to the census as was done in 1950. For this purpose a peripheral zone around each 1950 urbanized area and around cities that were presumably approaching a population of 50,000 was recognized. Within the unincorporated parts of this zone small enumeration districts were planned,[2]

---

[1] There are a few urbanized areas where there are "twin central cities" that have a combined population of at least 50,000. See the section below on "Standard Metropolitan Statistical Areas" for further discussion of twin central cities, neither of which has a population of 50,000 or more.

[2] An enumeration district (ED) is a small area assigned to an enumerator which must be canvassed and reported separately. In most cases an ED contains approximately 250 housing units.

usually including no more than one square mile of land area and no more than 75 housing units.

Arrangements were made to include within the urbanized areas those enumeration districts meeting specified criteria of population density as well as adjacent incorporated places. Since the urbanized area outside of incorporated places was defined in terms of enumeration districts, the boundaries for the most part follow such features as roads, streets, railroads, streams, and other clearly defined lines which may be easily identified by census enumerators in the field and often do not conform to the boundaries of political units.

[Vol. 32c] In addition to its central city or cities, an urbanized area also contains the following types of contiguous areas, which together constitute its urban fringe:

1. Incorporated places with 2,500 inhabitants or more

2. Incorporated places with less than 2,500 inhabitants, provided each has a closely settled area of 100 dwelling units or more

3. Towns in the New England States, townships in New Jersey and Pennsylvania, and counties elsewhere which are classified as urban

4. Enumeration districts in unincorporated territory with a population density of 1,000 inhabitants or more per square mile (The area of large nonresidential tracts devoted to such urban land uses as railroad yards, factories, and cemeteries, was excluded in computing the population density of an enumeration district.)

5. Other enumeration districts in unincorporated territory with lower population density provided that they served one of the following purposes:

   a. To eliminate enclaves

   b. To close indentations in the urbanized area of one mile or less across the open end

   c. To link outlying enumeration districts of qualifying density that were no more than 1½ miles from the main body of the urbanized area.

Contiguous urbanized areas with central cities in the same standard metropolitan statistical area are combined. Urbanized areas with central cities in different standard metropolitan statistical areas are not combined, except that a single urbanized area was established in the New York-Northeastern New Jersey Standard Consolidated Area, and in the Chicago-Northwestern Indiana Standard Consolidated Area.

The boundaries of the urbanized areas for 1960 will not conform to those for 1950, partly because of actual changes in land use and density of settlement, and partly because of relatively minor changes in the rules used to define the boundaries. The changes in the rules include the following:

1. The use of enumeration districts to construct the urbanized areas in 1960 resulted in a less precise definition than in 1950 when the limits were selected in the field using individual blocks as the unit of area added. On the other hand, the 1960 procedures produced an urbanized area based on the census results rather than an area defined about a year before the census, as in 1950.

2. Unincorporated territory was included in the 1950 urbanized area if it contained at least 500 dwelling units per square mile, which is somewhat different criterion than the 1,000 persons or more per square mile of the included 1960 unincorporated areas.

3. The 1960 areas include those entire towns in New England, townships in New Jersey and Pennsylvania, and counties that are classified as urban in accordance with the criteria listed in the section on urban-rural residence. The 1950 criteria permitted the exclusion of portions of these particular minor civil divisions.

In general, however, the urbanized areas of 1950 and 1960 are based on essentially the same concept, and the figures for a given urbanized area may be used to measure the population growth of that area.

An urbanized area may be thought of as divided into the central city, or cities, and the remainder of the area,

or the urban fringe. Any city in an urbanized area which is a central city of a standard metropolitan statistical area (see the following section) is also a central city of the urbanized area. With but two exceptions, the names of the central cities appear in the titles of the areas. The central cities of the New York-Northeastern New Jersey Area are the central cities of the New York, Newark, Jersey City, and Paterson-Clifton-Passaic Standard Metropolitan Statistical Areas. Likewise, the central cities of the Chicago-Northwestern Indiana Area are the central cities of the Chicago and Gary-Hammond-East Chicago Standard Metropolitan Statistical Areas.

Data for the entire urbanized area are shown in this report in table 10 for each State in which a central city of the area is located. If that part of an urbanized area that extends into another State does not include a central city, data are shown only for that part within the State.

Standard metropolitan statistical areas.—It has been long recognized that for many types of social and economic analysis it is necessary to consider as a unit the entire population in and around the city whose activities form an integrated social and economic system. Prior to the 1950 Census, areas of this type had been defined in somewhat different ways for different purposes and by various agencies. Leading examples were the metropolitan districts of the Census of Population, the industrial areas of the Census of Manufactures, and the labor market areas of the Bureau of Employment Security. To permit all Federal statistical agencies to utilize the same areas for the publication of general-purpose statistics, the Bureau of the Budget has established standard metropolitan statistical areas (SMSA's).[3]

Except in New England, an SMSA is a county or group of contiguous counties which contains at least one city of 50,000 inhabitants or more or "twin cities" with a combined population of at least 50,000. In addition to the county, or counties, containing such a city or cities, con-

[3] See also the Bureau of the Budget publication *Standard Metropolitan Statistical Areas*, U.S. Government Printing Office, Washington 25, D.C., 1959.

tiguous counties are included in an SMSA if, according to certain criteria, they are essentially metropolitan in character and are socially and economically integrated with the central city. The criteria followed in the delineation of SMSA's relate to a city, or cities, of sufficient population size to constitute the central city and to the economic and social relationships with contiguous counties that are metropolitan in character.

1. Each SMSA must include at least:

   a. One city with 50,000 inhabitants or more, or

   b. Two cities having contiguous boundaries and constituting, for general economic and social purposes, a single community with a combined population of at least 50,000, the smaller of which must have a population of at least 15,000.

2. If two or more adjacent counties each have a city of 50,000 inhabitants or more and the cities are within 20 miles of each other (city limits to city limits), they will be included in the same area unless there is definite evidence that the two cities are not economically and socially integrated.

The criteria of metropolitan character relate primarily to the attributes of the outlying county as a place of work or as a home for a concentration of nonagricultural workers. Specifically, these criteria are:

3. At least 75 percent of the labor force of the county must be in the nonagricultural labor force.

4. In addition to criterion 3, the county must meet at least one of the following conditions:

   a. It must have 50 percent or more of its population living in contiguous minor civil divisions with a density of at least 150 persons per square mile, in an unbroken chain of minor civil divisions with such density radiating from a central city in the area.

b. The number of nonagricultural workers employed in the county must equal at least 10 percent of the number of nonagricultural workers employed in the county containing the largest city in the area, or the outlying county must be the place of employment of at least 10,000 nonagricultural workers.

c. The nonagricultural labor force living in the county must equal at least 10 percent of the nonagricultural labor force living in the county containing the largest city in the area, or the outlying county must be the place of residence of a nonagricultural labor force of at least 10,000.

5. In New England, the city and town are administratively more important than the county, and data are compiled locally for such minor civil divisions. Here, towns and cities are the units used in defining SMSA's. In New England, because smaller units are used and more restricted areas result, a population density of at least 100 persons per square mile is used as the measure of metropolitan character.

The criteria of integration relate primarily to the extent of economic and social communication between the outlying counties and the central county.

6. A county is regarded as integrated with the county or counties containing the central cities of the area if either of the following criteria is met:

a. If 15 percent of the workers living in the given outlying county work in the county or counties containing the central city or cities of the area, or

[fol. 32d] b. If 25 percent of those working in the given outlying county live in the county or counties containing the central city or cities of the area.

Only where data for criteria 6a and 6b are not conclusive are other related types of information used. This information includes such items as average telephone calls per subscriber per month from the county to the county

containing central cities of the area; percent of the population in the county located in the central city telephone exchange area; newspaper circulation reports prepared by the Audit Bureau of Circulation; analysis of charge accounts in retail stores of central cities to determine the extent of their use by residents of the contiguous county; delivery service practices of retail stores in central cities; official traffic counts; the extent of public transportation facilities in operation between central cities and communities in the contiguous county; and the extent to which local planning groups and other civic organizations operate jointly.

7. Although there may be several cities of 50,000 or more in an SMSA, not all are necessarily central cities. The following criteria are used for determining central cities:

a. The largest city in an SMSA is always a central city.

b. In addition, one or two additional cities may be secondary central cities on the basis and in the order of the following criteria:

(1) The additional city or cities have at least 250,000 inhabitants.

(2) The additional city or cities have a population of one-third or more of that of the largest city and a minimum population of 25,000, except that both cities are central cities in those instances where cities qualify under criterion 1b. (A city which qualified as a secondary central city in 1950 but which does not qualify in 1960 has been temporarily retained as a central city.)

8. The titles of the SMSA's consist of the names of the central cities followed by the names of the States in which the areas are located.

In this report, data for SMSA's which cross State lines are shown in full in table 11 for each State in which a central city is located. If that part of an SMSA that

extends into another State does not include a central city, data are shown only for the part within the State. In table 12 only that part of the SMSA which is within the State is shown.

In the 1950 Census reports, data were presented for standard metropolitan areas (SMA's) and in several earlier censuses a somewhat similar type of area called the "metropolitan district" was used. In 1959, the criteria for delineating SMA's were revised by the Bureau of the Budget, and, at the same time, the areas were designated as standard metropolitan statistical areas. The comparative figures shown here for 1950 apply to the SMSA as defined in 1960.

Standard consolidated areas.—In view of the special importance of the metropolitan complexes around New York and Chicago, the Nation's largest cities, several contiguous SMSA's and additional counties that do not appear to meet the formal integration criteria but do have strong interrelationships of other kinds have been combined into the New York-Northeastern New Jersey and the Chicago-Northwestern Indiana Standard Consolidated Areas, respectively. The former is identical with the New York-Northeastern New Jersey SMA of 1950, and the latter corresponds roughly to the Chicago SMA (two more counties having been added).

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NUMBER OF INHABITANTS

New York

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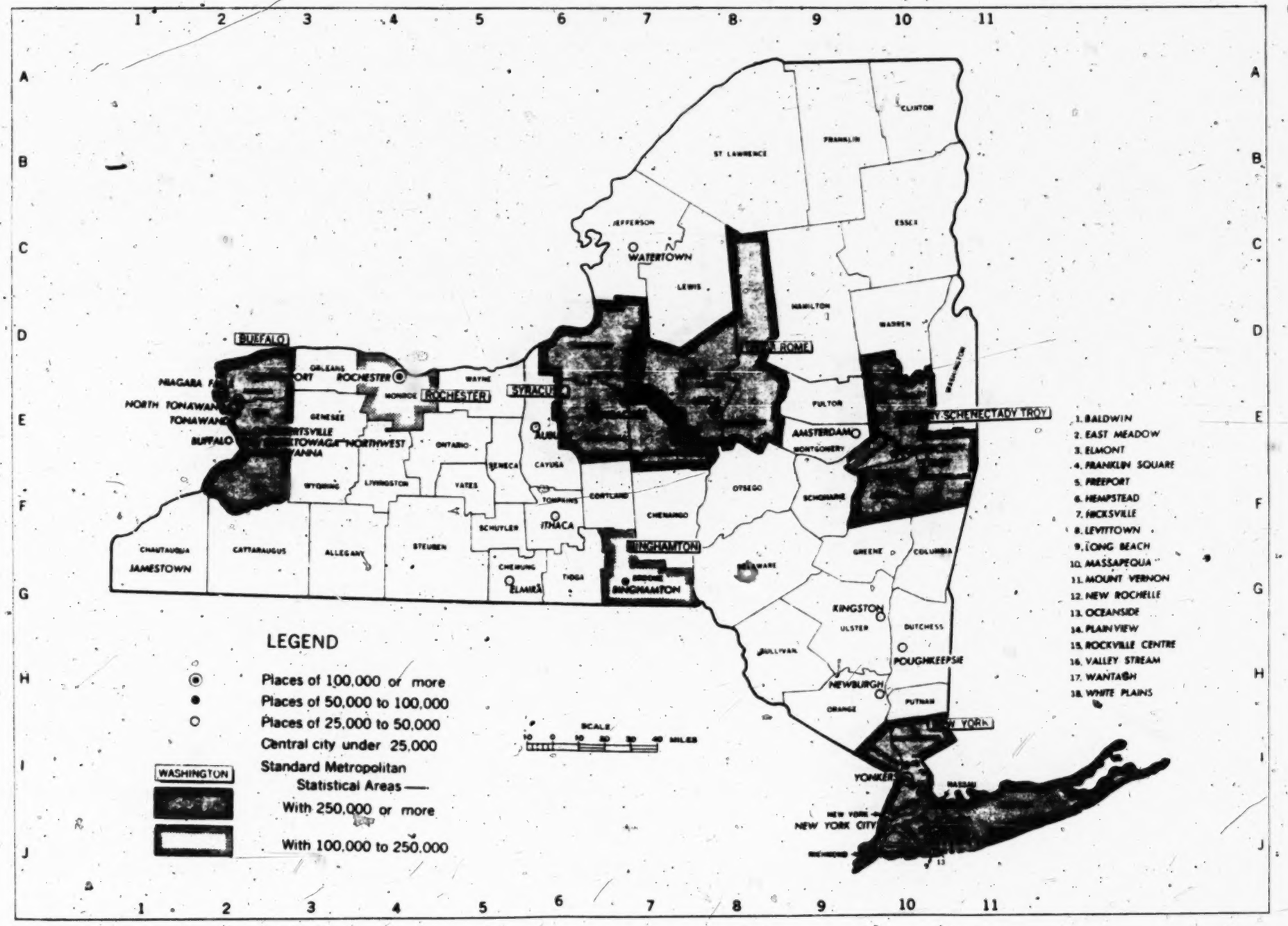
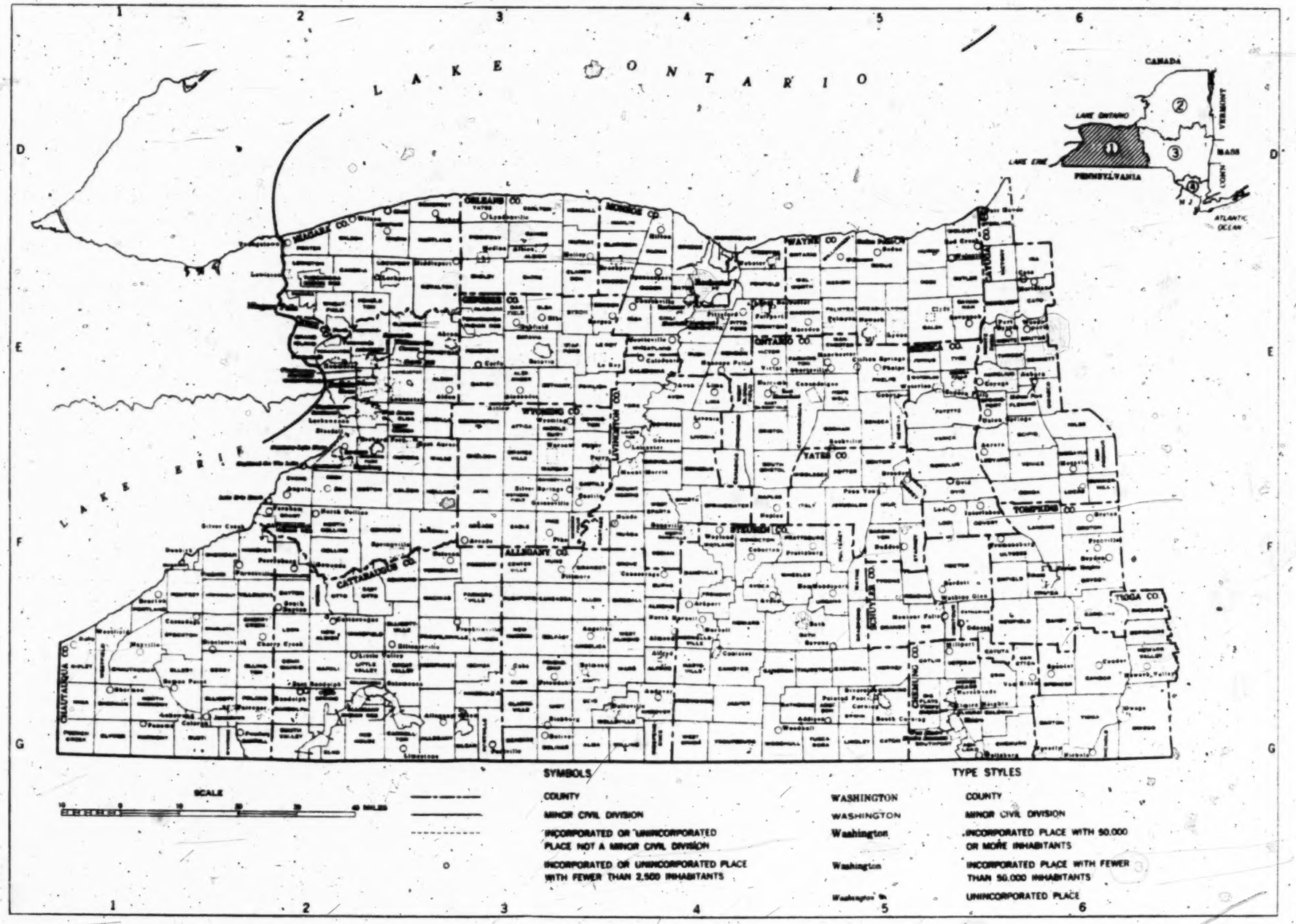
NEW YORK—COUNTIES, PLACES OF 25,000 OR MORE, AND STANDARD METROPOLITAN STATISTICAL AREAS



[fol. 32g]

NEW YORK—SECTION 1

MINOR CIVIL DIVISIONS—CITIES AND TOWNS



Large-scale copies of this map may be purchased from Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C., after April 1, 1961

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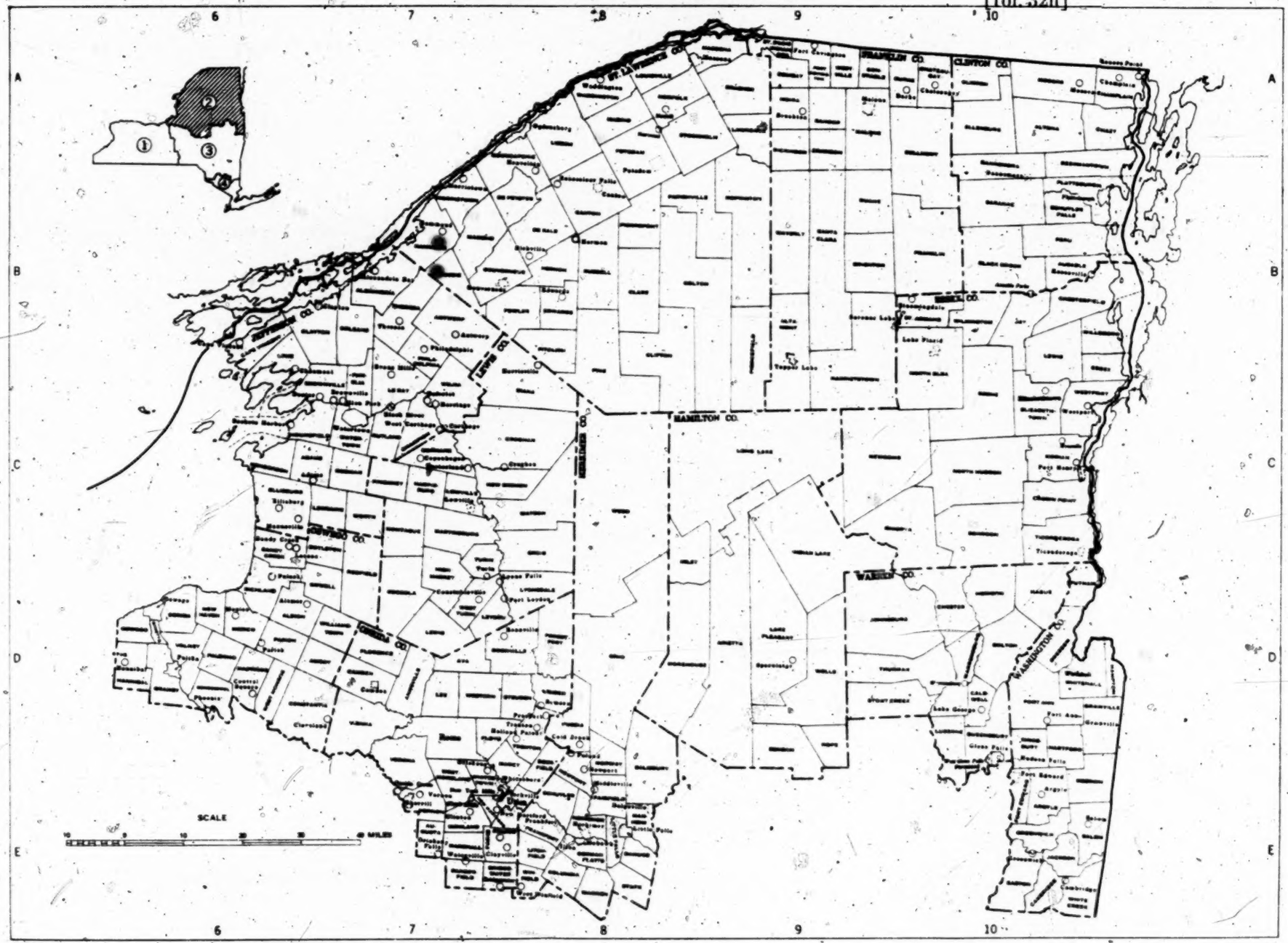
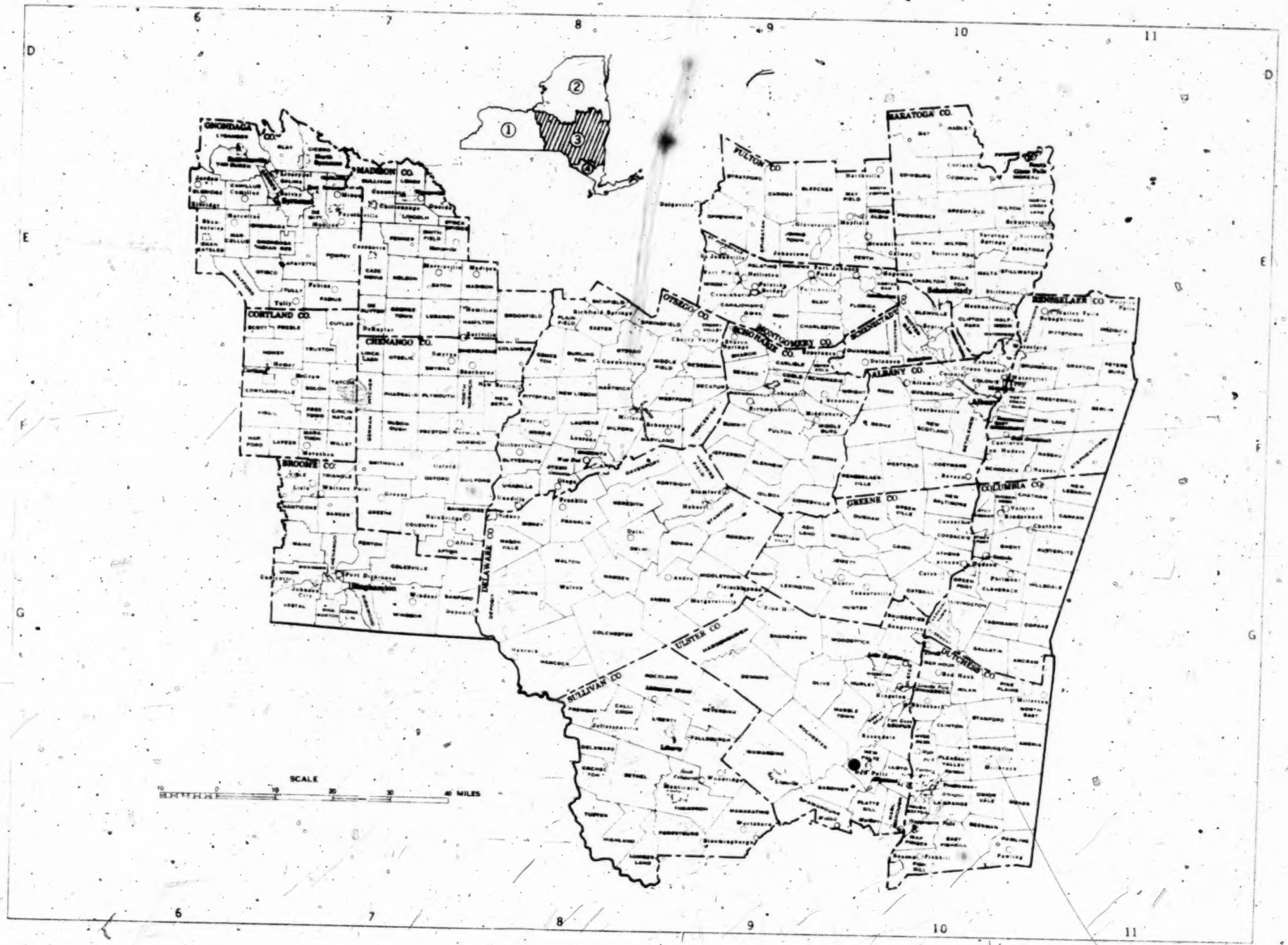
NEW YORK—SECTIONS 2 AND 3

MINOR CIVIL DIVISIONS—CITIES AND TOWNS

[fol. 32h]

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ONONDAGA CO.
MADISON CO.
CORTLAND CO.
CHENANGO CO.
BROOME CO.
DELAWARE CO.
OTSEGO CO.
SCHOHARIE CO.
MONTGOMERY CO.
SCHENECTADY
ALBANY CO.
SARATOGA CO.
FULTON CO.
RENSSELAER CO.
GREENE CO.
COLUMBIA CO.
ULSTER CO.
SULLIVAN CO.
DUTCHESS CO.
SCALE
MILES

NEW YORK—SECTION 4

MINOR CIVIL DIVISIONS—CITIES AND TOWNS

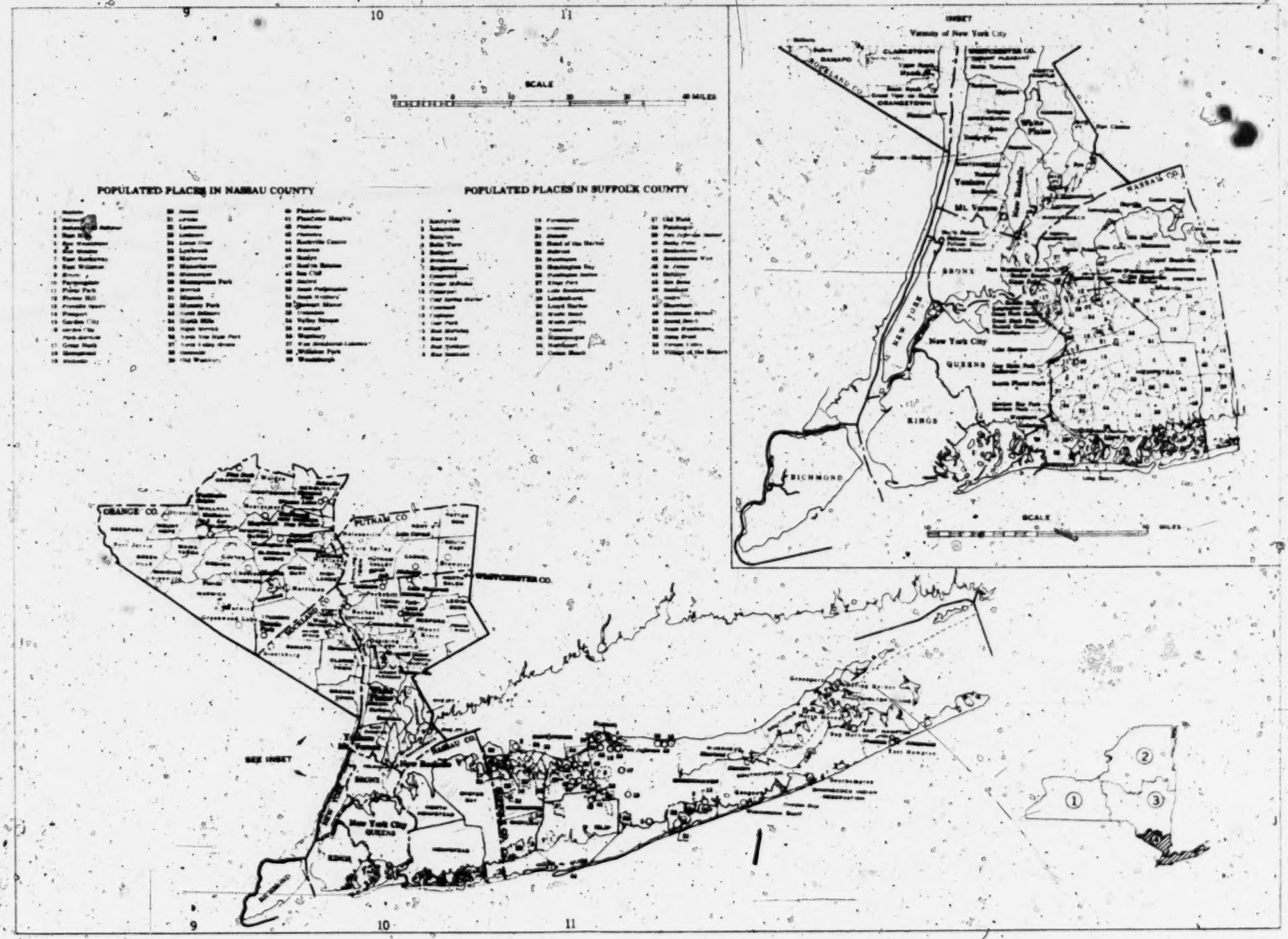

Table 1.—POPULATION OF THE STATE, URBAN AND RURAL: 1790 TO 1960

[For description of current and previous urban definitions, see text. Minus sign (–) denotes decrease]

Census date	The State			Urban territory				Rural territory			Percent of total	
	Population	Increase over preceding census		Number of urban places	Population	Increase over preceding census		Population	Increase over preceding census		Urban	Rural
		Number	Percent			Number	Percent		Number	Percent		
Current urban definition												
1960 (Apr. 1)	16,782,304	1,952,112	13.2	326	[1]14,331,925	1,649,479	13.0	2,450,379	302,633	14.1	85.4	14.6
1950 (Apr. 1)	14,830,192	1,351,050	10.0	230	[2]12,682,446	...	...	2,147,746	...	...	85.5	14.5
Previous urban definition:												
1960 (Apr. 1)	16,782,304	1,952,112[3]	13.2	251	[2]12,220,792	313,658	2.6	4,561,602	1,638,454	56.1	72.8	27.2
1950 (Apr. 1)	14,830,192	1,351,050	10.0	214	[2]11,907,044	741,151	6.6	[2]2,923,148	809,899	38.4	80.3	19.7
1940 (Apr. 1)	13,479,142	891,076	7.1	203	11,165,893	643,941	6.1	2,313,249	247,155	12.0	82.8	17.2
1930 (Apr. 1)	12,588,066	2,202,839	21.2	196	10,521,952	1,933,366	22.5	2,066,114	269,473	15.0	83.6	16.4
1920 (Jan. 1)	10,385,227	1,271,613	14.0	169	8,588,586	1,400,455	19.5	1,796,641	-128,842	-6.7	82.7	17.3
1910 (Apr. 15)	9,113,614	1,844,720	25.4	149	7,188,131	1,890,020	35.7	1,925,483	-45,300	-2.3	78.9	21.1
1900 (June 1)	7,268,894	1,265,720	21.1	122	5,298,111	1,387,833	35.5	1,970,783	-122,113	-5.8	72.9	27.1
1890 (June 1)	6,003,174	920,303	18.1	117	3,910,278	1,041,749	36.3	2,092,896	-121,446	-5.5	65.1	34.9
1880 (June 1)	5,082,871	700,112	16.0	98	2,868,529	679,074	31.0	2,214,342	21,038	1.0	56.4	43.6
1870 (June 1)	4,382,759	502,024	12.9	88	2,189,455	665,111	43.6	2,193,304	-163,087	-6.9	50.0	50.0
1860 (June 1)	3,880,735	783,341	25.3	31	1,524,344	650,930	74.5	2,356,391	132,411	6.0	39.3	60.7
1850 (June 1)	3,097,394	668,473	27.5	16	[4]873,414	402,143	85.3	2,223,980	266,325	13.6	28.2	71.8
1840 (June 1)	2,428,921	510,313	26.6	10	[5]471,266	184,648	64.4	1,957,655	325,665	20.0	19.4	80.6
1830 (June 1)	1,918,608	345,796	39.8	9	286,618	125,622	78.0	1,631,990	430,174	34.7	14.9	85.1
1820 (Aug. 7)	1,372,812	413,763	43.1	7	160,996	39,508	32.5	1,211,816	374,255	44.7	11.7	88.3
1810 (Aug. 6)	959,049	369,998	62.8	5	121,488	46,731	62.5	837,561	323,267	62.9	12.7	87.3
1800 (Aug. 4)	589,051	248,931	73.2	4	74,757	35,544	90.6	514,294	213,387	70.9	12.7	87.3
1790 (Aug. 2)	[6]340,120	...	...	3	39,213	...	...	300,907	...	...	11.5	88.5

[1] Includes 1,029,893 persons in urban territory outside urban places.
[2] Includes 733,408 persons in urban territory outside urban places.
[3] Revised since publication of 1950 reports.
[4] Excludes population (30,780) of Williamsburgh village erroneously omitted from count of urban places.
[5] Excludes population (5,094) of Williamsburgh village erroneously omitted from count of urban places.
[6] Excludes population (85,425) of Vermont, which was enumerated separately.

Table 2.—POPULATION IN GROUPS OF PLACES ACCORDING TO SIZE: 1960 AND 1950

[Percent not shown where less than 0.1]

Type of area and size of place	1960				1950			
	Number of places	Population	Percent of total population	Percent of total	Number of places	Population	Percent of total population	Percent of total
The State	...	16,782,304	100.0	...	...	14,830,192	100.0	...
URBAN								
Total	([1])	14,331,925	85.4	100.0	([2])	12,682,446	85.5	100.0
Within urbanized areas	...	12,918,455	77.0	90.1	...	11,378,908	76.7	89.7
Central cities, total	10	9,356,289	55.8	65.3	10	9,597,328	64.7	75.7
Cities of 1,000,000 or more	1	7,781,984	46.4	54.3	1	7,891,957	53.2	62.2
Cities of 500,000 to 1,000,000	1	532,759	3.2	3.7	1	580,132	3.9	4.6
Cities of 250,000 to 500,000	1	318,611	1.9	2.2	1	332,488	2.2	2.6
Cities of 100,000 to 250,000	3	446,174	2.7	3.1	3	457,109	3.1	3.6
Cities of 50,000 to 100,000	4	276,761	1.6	1.9	4	335,642	2.3	2.6
Cities under 50,000	...	...	...	...	...	...	...	...
Urban fringe, total	...	3,562,166	21.2	24.8	...	1,779,580	12.0	14.0
Places of 2,500 or more	140	2,532,271	15.1	17.6	76	1,046,172	7.1	8.2
Places of 100,000 or more	2	293,028	1.7	2.0	1	132,798	1.0	1.2
Places of 50,000 to 100,000	7	455,121	2.7	3.2	2	131,624	0.9	1.0
Places of 25,000 to 50,000	16	533,736	3.2	3.7	4	127,113	0.9	1.0
Places of 10,000 to 25,000	58	924,013	5.5	6.4	21	364,970	2.5	2.9
Places of 5,000 to 10,000	34	235,410	1.4	1.6	26	183,910	1.2	1.5
Places of 2,500 to 5,000	25	90,963	0.5	0.6	22	85,757	0.6	0.7
Places under 2,500	41	55,844	0.3	0.4	40	55,931	0.4	0.4
Places of 2,000 to 2,500	7	15,744	0.1	0.1	9	20,247	0.1	0.2
Places of 1,500 to 2,000	8	14,477	0.1	0.1	11	19,717	0.1	0.2
Places of 1,000 to 1,500	15	18,392	0.1	0.1	7	8,261	0.1	0.1
Places under 1,000	11	7,432	...	0.1	13	7,706	0.1	0.1
Other urban territory	...	994,051	5.8	6.8	...	677,477	4.6	5.3
Outside urbanized area	176	1,413,470	8.4	9.9	144	1,305,538	8.8	10.3
Places of 25,000 or more	10	339,473	2.0	2.4	11	394,250	2.7	3.1
Places of 10,000 to 25,000	26	434,588	2.5	3.0	24	392,071	2.6	3.1
Places of 5,000 to 10,000	49	334,153	2.0	2.3	35	248,002	1.7	2.0
Places of 2,500 to 5,000	91	313,256	1.9	2.2	74	271,215	1.8	2.1
RURAL								
Total	...	2,450,379	14.6	100.0	...	2,147,746	14.5	100.0
Places of 1,000 to 2,500	196	309,230	1.8	12.6	195	299,643	2.0	13.9
Places of 2,000 to 2,500	39	86,386	0.5	3.5	29	64,746	0.4	3.0
Places of 1,500 to 2,000	57	99,601	0.6	4.1	65	111,882	0.8	5.2
Places of 1,000 to 1,500	100	123,253	0.7	5.0	101	123,015	0.8	5.7
Other rural territory	...	2,141,149	12.8	87.4	...	1,848,103	12.5	86.0

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1870 (June 1)	4,382,759	902,040	12.9	88	2,189,455	865,111	43.6	2,193,304	-163,087	-6.9	50.0	50.0
1860 (June 1)	3,880,735	783,341	25.3	31	1,524,344	650,930	74.5	2,356,391	132,411	6.0	39.3	60.7
1850 (June 1)	3,097,394	668,473	27.5	16	4973,414	402,148	85.3	2,223,980	266,325	13.6	26.9	73.8
1840 (June 1)	2,428,921	310,313	26.6	10	478,266	186,648	64.4	1,957,655	325,665	20.0	19.4	80.6
1830 (June 1)	1,918,608	345,796	19.8	9	286,618	125,622	78.0	1,631,990	420,174	34.7	14.9	85.1
1820 (Aug. 7)	1,372,812	413,763	43.1	7	160,996	39,508	32.5	1,211,816	374,235	44.7	11.7	88.3
1810 (Aug. 6)	999,049	369,998	62.8	5	121,488	46,731	62.5	837,561	323,267	62.9	12.7	87.3
1800 (Aug. 4)	589,051	248,931	73.2	4	74,797	35,544	90.6	514,294	213,387	70.9	12.7	87.3
1790 (Aug. 2)	[4]340,120	...	...	3	39,213	...	...	300,907	...	...	11.5	88.5

[1] Includes 1,029,895 persons in urban territory outside urban places.
[2] Includes 733,408 persons in urban territory outside urban places.
[3] Revised since publication of 1950 reports.
[4] Excludes population (30,780) of Williamsburgh village erroneously omitted from count of urban places.
[5] Excludes population (5,084) of Williamsburgh village erroneously omitted from count of urban places.
[6] Excludes population (85,425) of Vermont, which was enumerated separately.

Table 2.—POPULATION IN GROUPS OF PLACES ACCORDING TO SIZE: 1960 AND 1950

[Percent not shown where less than 0.1]

Type of area and size of place	1960				1950			
	Number of places	Population	Percent of total population	Percent of total	Number of places	Population	Percent of total population	Percent of total
The State	...	16,782,304	100.0	...	...	14,830,192	100.0	...
URBAN								
Total	([1])	14,331,925	85.4	100.0	([2])	12,682,446	85.5	100.0
Within urbanized areas	...	12,918,455	77.0	90.1	...	11,376,908	76.7	89.7
Central cities, total	10	9,356,289	55.8	65.3	10	9,597,328	64.7	75.7
Cities of 1,000,000 or more	1	7,781,984	46.4	54.3	1	7,891,957	53.2	62.2
Cities of 500,000 to 1,000,000	1	532,759	3.2	3.7	1	580,132	3.9	4.6
Cities of 250,000 to 500,000	1	318,611	1.9	2.2	1	332,488	2.2	2.6
Cities of 100,000 to 250,000	3	446,174	2.7	3.1	3	457,109	3.1	3.6
Cities of 50,000 to 100,000	4	276,761	1.6	1.9	4	335,642	2.3	2.6
Cities under 50,000	...	...	...	...	...	...	...	...
Urban fringe, total	...	3,562,166	21.2	24.8	...	1,779,580	12.0	14.0
Places of 2,500 or more	140	2,532,271	15.1	17.6	76	1,046,172	7.1	8.2
Places of 100,000 or more	2	293,628	1.7	2.0	1	152,798	1.0	1.2
Places of 50,000 to 100,000	7	455,121	2.7	3.2	2	131,624	0.9	1.0
Places of 25,000 to 50,000	16	533,736	3.2	3.7	4	127,113	0.9	1.0
Places of 10,000 to 25,000	56	924,013	5.5	6.4	21	364,970	2.5	2.9
Places of 5,000 to 10,000	34	235,410	1.4	1.6	26	183,910	1.2	1.5
Places of 2,500 to 5,000	25	90,963	0.5	0.6	22	85,757	0.6	0.7
Places under 2,500	41	55,844	0.3	0.4	40	55,931	0.4	0.4
Places of 2,000 to 2,500	7	13,743	0.1	0.1	9	20,247	0.1	0.2
Places of 1,500 to 2,000	8	14,477	0.1	0.1	11	19,717	0.1	0.2
Places of 1,000 to 1,500	15	18,192	0.1	0.1	7	8,261	0.1	0.1
Places under 1,000	11	7,432	....	0.1	13	7,706	0.1	0.1
Other urban territory	...	974,051	5.8	6.8	...	677,477	4.6	5.3
Outside urbanized areas	176	1,413,470	8.4	9.9	144	1,305,538	8.8	10.3
Places of 25,000 or more	10	339,473	2.0	2.4	11	394,250	2.7	3.1
Places of 10,000 to 25,000	26	426,588	2.5	3.0	24	392,071	2.6	3.1
Places of 5,000 to 10,000	49	334,153	2.0	2.3	35	248,002	1.7	2.0
Places of 2,500 to 5,000	91	313,256	1.9	2.2	74	271,215	1.8	2.1
RURAL								
Total	...	2,450,379	14.6	100.0	...	2,147,746	14.5	100.0
Places of 1,000 to 2,500	196	309,250	1.8	12.6	195	299,643	2.0	13.9
Places of 2,000 to 2,500	39	86,386	0.5	3.5	29	64,746	0.4	3.0
Places of 1,500 to 2,000	57	99,601	0.6	4.1	65	111,882	0.8	5.2
Places of 1,000 to 1,500	100	123,253	0.7	5.0	101	123,015	0.8	5.7
Other rural territory	...	2,141,129	12.8	87.4	...	1,848,103	12.5	86.0
URBANIZED AREAS								
Total	7	12,918,455	77.0	100.0	9	11,376,908	76.7	100.0
Areas of 1,000,000 or more	2	11,290,400	67.3	87.4	1	9,130,205	61.6	80.3
Areas of 500,000 to 1,000,000	...	...	...	...	1	798,043	5.4	7.0
Areas of 250,000 to 500,000	3	1,282,135	7.6	9.9	3	966,332	6.5	8.5
Areas of 100,000 to 250,000	2	345,920	2.1	2.7	3	384,708	2.6	3.4
Areas under 100,000	...	...	...	...	1	97,620	0.7	0.9

[1] There were 326 places of 2,500 or more.
[2] There were 230 places of 2,500 or more.

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Table 3.—POPULATION IN GROUPS OF PLACES ACCORDING TO SIZE: 1900 TO 1960

Subject and size of place	1960		1950		1940	1930	1920	1910	1900
	Current urban definition	Previous urban definition	Current urban definition	Previous urban definition[1]					
NUMBER OF PLACES									
Urban territory	367	251	270	214	203	196	169	149	122
Places of 2,500 or more	326	251	230	214	203	196	169	149	122
Places of 1,000,000 or more	1	1	1	1	1	1	1	1	1
Places of 500,000 to 1,000,000	1	1	1	1	1	1	1	...	...
Places of 250,000 to 500,000	1	1	1	1	1	1	1	1	1
Places of 100,000 to 250,000	5	5	4	4	4	4	3	3	2
Places of 50,000 to 100,000	11	8	6	6	6	6	5	4	3
Places of 25,000 to 50,000	26	19	15	16	10	10	11	12	5
Places of 10,000 to 25,000	82	52	45	45	48	47	36	30	28
Places of 5,000 to 10,000	83	71	61	55	48	41	30	25	26
Places of 2,500 to 5,000	116	93	96	85	84	85	81	73	56
Places under 2,500	41	...	40	...	...	...	...	...	...
Rural territory	380	365	410	399	408	400	365	351	337
Places of 1,000 to 2,500	196	170	195	171	148	146	144	150	145
Places under 1,000	184	195	215	228	260	254	221	201	192
Cumulative summary									
Places of 1,000,000 or more	1	1	1	1	1	1	1	1	1
Places of 500,000 or more	2	2	2	2	2	2	2	1	1
Places of 250,000 or more	3	3	3	3	3	3	3	2	2
Places of 100,000 or more	8	8	7	7	7	7	6	5	4
Places of 50,000 or more	19	16	13	13	13	13	11	9	7
Places of 25,000 or more	45	35	28	29	23	23	22	21	12
Places of 10,000 or more	127	87	73	74	71	70	58	51	40
Places of 5,000 or more	210	158	134	129	119	111	88	76	66
Places of 2,500 or more	326	251	230	214	203	196	169	149	122
POPULATION									
Urban territory	14,231,925	12,220,702	12,682,446	11,907,044	11,165,893	10,521,952	8,588,586	7,188,131	5,298,111
Places of 2,500 or more	13,302,030	12,220,702	11,949,038	11,907,044	11,165,893	10,521,952	8,588,586	7,188,131	5,298,111
Places of 1,000,000 or more	7,781,984	7,781,984	7,891,957	7,891,957	7,454,995	6,930,446	5,620,048	4,766,883	3,437,202
Places of 500,000 to 1,000,000	532,759	532,759	580,132	580,132	575,901	573,076	506,775	...	...
Places of 250,000 to 500,000	318,611	318,611	332,488	332,488	326,975	328,132	295,750	423,715	332,389
Places of 100,000 to 250,000	739,202	739,202	609,907	609,907	579,660	573,124	385,237	455,681	270,982
Places of 50,000 to 100,000	731,883	535,405	487,266	487,266	439,961	436,096	372,435	303,861	211,185
Places of 25,000 to 50,000	873,209	625,854	521,363	535,780	363,702	364,045	382,665	381,461	185,277
Places of 10,000 to 25,000	1,348,601	875,527	737,041	764,117	792,092	780,349	540,139	439,571	458,937
Places of 5,000 to 10,000	569,563	482,904	431,912	387,156	326,282	277,831	200,549	162,373	184,029
Places of 2,500 to 5,000	406,219	328,906	356,972	318,241	306,325	308,873	285,008	254,616	198,112
Places under 2,500	55,864	...	55,931	...	...	...	...	...	...
Other urban territory	984,051	...	677,477	...	...	...	...	...	...
Rural territory	2,450,379	4,361,602	2,147,746	2,923,148	2,313,269	2,066,114	1,796,661	1,925,483	1,970,783
Places of 1,000 to 2,500	309,250	269,844	299,643	275,873	231,658	228,791	229,086	235,197	231,521
Places under 1,000	107,700	115,132	120,862	128,568	139,813	135,139	117,791	117,097	114,205
Other rural territory	2,033,429	4,176,626	1,727,241	2,518,707	1,941,798	1,702,184	1,449,764	1,573,189	1,625,057
Cumulative summary									
Places of 1,000,000 or more	7,781,984	7,781,984	7,891,957	7,891,957	7,454,995	6,930,446	5,620,048	4,766,883	3,437,202
Places of 500,000 or more	8,314,743	8,314,743	8,472,089	8,472,089	8,030,896	7,503,522	6,126,823	4,766,883	3,437,202
Places of 250,000 or more	8,633,354	8,633,354	8,804,577	8,804,577	8,357,871	7,831,654	6,422,573	5,190,598	3,789,589
Places of 100,000 or more	9,372,556	9,372,556	9,414,484	9,414,484	8,935,531	8,404,778	6,807,810	5,646,279	4,060,571
Places of 50,000 or more	10,104,438	9,907,961	9,881,750	9,881,750	9,375,492	8,840,874	7,180,245	5,950,140	4,271,756
Places of 25,000 or more	10,977,647	10,533,765	10,403,113	10,437,530	9,741,194	9,204,899	7,562,890	6,331,971	4,457,033
Places of 10,000 or more	12,326,248	11,409,292	11,160,154	11,201,647	10,533,286	9,935,248	8,103,029	6,771,142	4,915,970
Places of 5,000 or more	12,895,811	11,892,196	11,992,066	11,988,803	10,859,568	10,213,079	8,303,578	6,933,515	5,099,999
Places of 2,500 or more	13,302,030	12,220,702	11,949,038	11,907,044	11,165,893	10,521,952	8,588,586	7,188,131	5,298,111
PERCENT OF TOTAL POPULATION									
Urban territory	85.4	72.8	85.3	80.3	82.8	83.6	82.7	78.9	72.9
Places of 2,500 or more	79.3	72.8	80.6	80.3	82.8	83.6	82.7	78.9	72.9
Places of 1,000,000 or more	46.4	46.4	53.2	53.2	55.3	55.1	54.1	52.3	47.3
Places of 500,000 to 1,000,000	3.2	3.2	3.9	3.9	4.3	4.6	4.9	...	...
Places of 250,000 to 500,000	1.9	1.9	2.2	2.2	2.4	2.6	2.8	4.6	4.6
Places of 100,000 to 250,000	4.4	4.4	4.1	4.1	4.3	4.6	3.7	5.0	3.7
Places of 50,000 to 100,000	4.4	3.2	3.2	3.2	3.3	3.5	3.6	3.3	2.9
Places of 25,000 to 50,000	5.2	3.7	3.5	3.7	2.7	2.9	3.7	4.2	2.5
Places of 10,000 to 25,000	8.0	5.2	5.1	5.2	5.9	5.8	5.2	4.8	6.3
Places of 5,000 to 10,000	3.4	2.9	2.9	2.6	2.4	2.2	1.9	1.8	2.5
Places of 2,500 to 5,000	2.4	2.0	2.4	2.1	2.3	2.3	2.7	2.8	2.7
Places under 2,500	0.3	...	0.4	...	...	...	...	...	...
Other urban territory	5.8	...	4.6	...	...	...	...	...	...
Rural territory	14.6	27.2	14.5	19.7	17.2	16.4	17.3	21.1	27.1
Places of 1,000 to 2,500	1.8	1.6	2.0	1.9	1.7	1.8	2.2	2.6	1.2
Places under 1,000	0.6	0.7	0.8	0.9	1.0	1.1	1.1	1.3	1.6
Other rural territory	12.1	24.9	11.6	17.0	14.4	13.5	14.0	17.3	22.4

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Rural territory	380	365	410	399	408	400	365	351	337
Places of 1,000 to 2,500	196	170	195	171	148	146	144	150	145
Places under 1,000	184	195	215	228	260	254	221	201	192
Cumulative summary									
Places of 1,000,000 or more	1	1	1	1	1	1	1	1	1
Places of 500,000 or more	2	2	2	2	2	2	2	1	1
Places of 250,000 or more	3	3	3	3	3	3	3	2	2
Places of 100,000 or more	8	8	7	7	7	7	6	5	4
Places of 50,000 or more	19	18	13	13	13	13	11	9	7
Places of 25,000 or more	45	35	28	29	23	23	22	21	12
Places of 10,000 or more	127	87	73	74	71	70	58	51	40
Places of 5,000 or more	210	158	134	129	119	111	88	76	66
Places of 2,500 or more	326	251	230	214	203	196	169	149	122
POPULATION									
Urban territory	14,331,925	12,220,702	12,682,446	11,907,044	11,165,893	10,521,952	8,588,586	7,188,131	5,298,111
Places of 2,500 or more	13,302,030	12,220,702	11,949,038	11,907,044	11,165,893	10,521,952	8,588,586	7,188,131	5,298,111
Places of 1,000,000 or more	7,781,984	7,781,984	7,891,957	7,891,957	7,454,995	6,930,446	5,620,048	4,766,883	3,437,202
Places of 500,000 to 1,000,000	532,759	532,759	580,132	580,132	573,901	573,076	506,775	...	...
Places of 250,000 to 500,000	318,611	318,611	332,488	332,488	324,975	328,132	295,750	423,715	352,387
Places of 100,000 to 250,000	739,202	739,202	609,907	609,907	579,660	573,124	385,237	455,651	270,982
Places of 50,000 to 100,000	731,882	535,405	467,266	467,266	439,961	436,076	372,435	303,861	211,185
Places of 25,000 to 50,000	873,209	625,804	521,363	555,780	365,702	364,045	382,645	381,461	185,277
Places of 10,000 to 25,000	1,348,601	825,527	797,041	766,117	792,092	730,349	540,139	439,571	458,937
Places of 5,000 to 10,000	569,363	442,904	431,912	387,156	326,282	277,831	200,549	162,373	184,029
Places of 2,500 to 5,000	406,219	328,906	356,972	318,247	306,325	308,473	289,008	254,616	198,112
Places under 2,500	55,844	...	55,931	...	...	...	...	...	...
Other urban territory	994,051	...	677,477	...	...	...	...	...	...
Rural territory	2,450,379	4,561,602	2,147,746	2,923,148	2,313,269	2,066,114	1,796,641	1,925,483	1,970,783
Places of 1,000 to 2,500	309,250	269,844	299,643	275,873	231,558	228,791	229,086	235,197	231,521
Places under 1,000	107,700	115,132	120,862	128,568	139,813	135,139	117,791	117,097	114,205
Other rural territory	2,033,429	4,176,626	1,727,241	2,518,707	1,941,778	1,702,184	1,449,764	1,573,189	1,625,057
Cumulative summary									
Places of 1,000,000 or more	7,781,984	7,781,984	7,891,957	7,891,957	7,454,995	6,930,446	5,620,048	4,766,883	3,437,202
Places of 500,000 or more	8,314,743	8,314,743	8,472,089	8,472,089	8,030,896	7,503,522	6,126,823	4,766,883	3,437,202
Places of 250,000 or more	8,633,354	8,633,354	8,804,577	8,804,577	8,355,871	7,831,654	6,422,573	5,190,598	3,789,589
Places of 100,000 or more	9,372,556	9,372,556	9,414,484	9,414,484	8,935,531	8,404,778	6,807,810	5,646,249	4,060,571
Places of 50,000 or more	10,104,438	9,907,961	9,881,750	9,881,750	9,375,492	8,840,854	7,180,245	5,950,110	4,271,756
Places of 25,000 or more	10,977,647	10,533,765	10,403,113	10,437,530	9,741,194	9,204,899	7,562,890	6,331,571	4,457,033
Places of 10,000 or more	12,326,248	11,409,292	11,180,154	11,201,647	10,533,286	9,935,248	8,103,029	6,771,142	4,915,970
Places of 5,000 or more	12,895,811	11,892,196	11,592,066	11,588,803	10,859,568	10,213,079	8,303,578	6,933,515	5,099,999
Places of 2,500 or more	13,302,030	12,220,702	11,949,038	11,907,044	11,165,893	10,521,952	8,588,586	7,188,131	5,298,111
PERCENT OF TOTAL POPULATION									
Urban territory	85.4	72.8	85.3	80.3	82.8	83.6	82.7	78.9	72.9
Places of 2,500 or more	79.3	72.8	80.6	80.3	82.8	8336	82.7	78.9	72.9
Places of 1,000,000 or more	46.4	46.4	53.2	53.2	55.3	55.1	54.1	52.3	47.3
Places of 500,000 to 1,000,000	3.2	3.2	3.9	3.9	4.3	4.6	4.9	...	...
Places of 250,000 to 500,000	1.9	1.9	2.2	2.2	2.4	2.6	2.8	4.6	4.8
Places of 100,000 to 250,000	4.4	4.4	4.1	4.1	4.3	4.6	3.7	5.0	3.7
Places of 50,000 to 100,000	4.4	3.2	3.2	3.2	3.3	3.5	3.6	3.3	2.9
Places of 25,000 to 50,000	5.2	3.7	3.5	3.7	2.7	2.9	3.7	4.2	2.5
Places of 10,000 to 25,000	8.0	5.2	5.1	5.2	5.9	5.8	5.2	4.8	6.3
Places of 5,000 to 10,000	3.4	2.9	2.9	2.6	2.4	2.2	1.9	1.8	2.5
Places of 2,500 to 5,000	2.4	2.0	2.4	2.1	2.3	2.5	2.7	2.8	2.7
Places under 2,500	0.3	...	0.4	...	...	...	...	...	...
Other urban territory	5.8	...	4.6	...	...	...	...	...	...
Rural territory	14.6	27.2	14.5	19.7	17.2	16.4	17.3	21.1	27.1
Places of 1,000 to 2,500	1.8	1.6	2.0	1.9	1.7	1.8	2.2	2.6	3.2
Places under 1,000	0.6	0.7	0.8	0.9	1.0	1.1	1.1	1.3	1.6
Other rural territory	12.1	24.9	11.6	17.0	14.4	13.5	14.0	17.3	22.4
Cumulative summary									
Places of 1,000,000 or more	46.4	46.4	53.2	53.2	55.3	55.1	54.1	52.3	47.3
Places of 500,000 or more	49.5	49.5	57.1	57.1	59.6	59.6	59.0	52.3	47.3
Places of 250,000 or more	51.4	51.4	59.4	59.4	62.0	62.2	61.8	57.0	52.1
Places of 100,000 or more	55.8	55.8	63.5	63.5	66.3	66.8	65.6	62.0	55.9
Places of 50,000 or more	60.2	59.0	66.6	66.6	69.6	70.2	69.1	65.3	58.8
Places of 25,000 or more	65.4	62.8	70.1	70.4	72.3	73.1	72.8	69.5	61.3
Places of 10,000 or more	73.4	68.0	75.3	75.5	78.1	78.9	78.0	74.3	67.6
Places of 5,000 or more	76.8	70.9	78.2	78.1	80.6	81.1	80.0	76.1	70.2
Places of 2,500 or more	79.3	72.8	80.6	80.3	82.8	83.6	82.7	78.9	72.9

[1] Revised since publication of 1950 reports.

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Table 4.—POPULATION IN INCORPORATED AND UNINCORPORATED PLACES ACCORDING TO SIZE: 1960

Size of place and urban-rural classification	All places		Incorporated places		Unincorporated places	
	Number	Population	Number	Population	Number	Population
Total	747	13,774,824	612	12,469,647	135	1,305,177
500,000 or more	2	8,314,743	2	8,314,743	...	...
250,000 to 500,000	1	318,611	1	318,611	...	...
100,000 to 250,000	5	739,202	5	739,202	...	...
50,000 to 100,000	11	731,882	7	480,068	4	251,814
25,000 to 50,000	26	873,209	17	564,311	9	308,898
20,000 to 25,000	19	420,399	13	286,511	6	133,888
10,000 to 20,000	63	928,202	38	569,815	25	358,387
5,000 to 10,000	83	569,563	71	482,904	12	86,659
2,500 to 5,000	116	406,219	93	328,506	23	77,713
2,000 to 2,500	46	102,129	35	77,925	11	24,204
1,500 to 2,000	65	114,078	50	87,835	15	26,243
1,000 to 1,500	115	141,455	85	104,084	30	37,371
500 to 1,000	122	89,094	122	89,094	...	...
200 to 500	67	25,374	67	25,374	...	...
Under 200	6	664	6	664	...	...
In urbanized areas	191	11,944,404	150	10,938,106	41	1,006,298
500,000 or more	2	8,314,743	2	8,314,743	...	...
250,000 to 500,000	1	318,611	1	318,611	...	...
100,000 to 250,000	5	739,202	5	739,202	...	...
50,000 to 100,000	11	731,882	7	480,068	4	251,814
25,000 to 50,000	16	533,736	7	224,838	9	308,898
20,000 to 25,000	13	287,550	8	177,100	5	110,450
10,000 to 20,000	43	636,463	20	301,327	23	335,136
In urbanized areas—Con.						
5,000 to 10,000	34	235,410	34	235,410	...	...
2,500 to 5,000	25	90,963	25	90,963	...	...
2,000 to 2,500	7	15,743	7	15,743	...	...
1,500 to 2,000	8	14,477	8	14,477	...	...
1,000 to 1,500	15	18,192	15	18,192	...	...
500 to 1,000	9	6,743	9	6,743	...	...
200 to 500	2	689	2	689	...	...
Under 200	...	...	...	...	...	...
Other urban territory	176	1,413,470	138	1,202,409	38	211,061
25,000 to 50,000	10	339,473	10	339,473	...	...
20,000 to 25,000	6	132,849	5	109,411	1	23,438
10,000 to 20,000	20	291,739	18	268,488	2	23,251
5,000 to 10,000	49	334,153	37	247,494	12	86,659
2,500 to 5,000	91	315,256	68	237,543	23	77,713
Rural territory	380	416,950	324	329,132	56	87,818
2,000 to 2,500	39	86,386	28	62,182	11	24,204
1,500 to 2,000	57	99,601	42	73,358	15	26,243
1,000 to 1,500	100	123,263	70	85,892	30	37,371
500 to 1,000	113	82,351	113	82,351	...	...
200 to 500	65	24,685	65	24,685	...	...
Under 200	6	664	6	664	...	...

Table 5.—POPULATION OF INCORPORATED PLACES OF 10,000 OR MORE FROM EARLIEST CENSUS TO 1960

[Minus sign (-) denotes decrease]

Incorporated place and census year	Population	Increase over preceding census	
		Number	Percent
ALBANY CITY:			
1960	129,726	-5,269	-3.9
1950	134,995	4,418	3.4
1940	130,577	3,165	2.5
1930	127,412	14,068	12.4
1920	113,344	13,091	13.1
1910	100,253	6,102	6.5
1900	94,151	-772	-0.8
1890	94,923	4,165	4.6
1880	90,758	21,336	30.7
1870	69,422	7,055	11.3
1860	62,367	11,604	22.9
1850	50,763	17,042	50.5
1840	33,721	9,512	39.3
1830	24,209	11,979	97.7
1820	12,630	1,868	17.4
1810	10,762	5,473	103.5
1800	5,289	1,791	51.2
1790	3,498	...	...
AMSTERDAM CITY:			
1960	28,772	-3,468	-10.8
1950	32,240	-1,089	-3.3
1940	33,329	-1,488	-4.3
1930	34,817	1,293	3.9
1920	33,524	2,257	7.2
1910	31,267	10,338	49.4
1900	20,929	3,593	20.7
1890	17,336	7,870	83.1
1880	9,466	4,040	74.5
1870	5,426	...	...
AUBURN CITY:			
1960	35,249	-1,473	-4.0
1950	36,722	969	2.7
1940	35,753	-899	-2.5
1930	36,652	460	1.3
1920	36,192	1,324	4.4
1910	34,868	4,323	14.2
1900	30,345	4,487	17.4
1890	25,858	3,934	17.9
1880	21,924	4,699	27.3
1870	17,225	6,239	56.8
1860	10,986	1,438	15.1
BATAVIA CITY:			
1960	18,210	411	2.3
1950	17,799	532	3.1
1940	17,267	-108	-0.6
1930	17,375	3,834	28.3
1920	13,541	1,928	16.6
1910	11,613	2,433	26.5
1900	9,180	1,959	27.1
1890	7,221	2,976	49.0
1880	4,845	955	24.6
1870	3,890	1,330	52.0
1860	2,560	...	...
BEACON CITY:			
1960	13,922	-90	-0.6
1950	14,012	1,440	11.5
1940	12,572	639	5.4
1930	11,933	937	8.5
1920	10,996	...	...
BINGHAMTON CITY:			
1960	75,941	-4,733	-5.9
1950	80,674	2,365	3.0
1940	78,309	1,647	2.1
1930	76,662	9,862	14.8
1920	66,800	18,357	37.9
1910	48,443	8,796	22.2
1900	39,647	4,642	13.3
1890	35,005	17,688	102.1
1880	17,317	4,625	36.4
1870	12,692	4,367	52.5
1860	8,325	...	...
BUFFALO CITY:			
1960	532,759	-47,373	-8.2
1950	580,132	4,231	0.7
1940	575,901	2,825	0.5
1930	573,076	66,301	13.1
1920	506,773	83,060	19.6
1910	423,715	71,328	20.2
1900	352,387	96,723	37.8
1890	255,664	100,530	64.8
1880	155,134	37,420	31.8
1870	117,714	36,585	45.1
1860	81,129	38,804	92.0
CORNING CITY--Con.			
1920	22,987	-1,722	-7.0
1910	24,709	799	3.3
1900	23,910	1,401	6.2
1890	22,509	3,093	15.9
1880	19,416	4,059	26.4
1870	15,357	6,557	74.5
1860	8,800	4,571	108.1
1850	4,229	...	...
CORNING CITY:			
1960	17,085	-599	-3.4
1950	17,684	1,472	9.1
1940	16,212	435	2.8
1930	15,777	-43	-0.3
1920	15,820	2,090	15.2
1910	13,730	2,669	24.1
1900	11,061	2,511	29.4
1890	8,550	3,748	78.1
1880	4,802	784	19.5
1870	4,018	...	...
CORTLAND CITY:			
1960	19,181	1,329	7.7
1950	18,152	2,271	14.3
1940	15,881	838	5.6
1930	15,043	1,749	13.2
1920	13,294	1,790	15.6
1910	11,504	2,490	27.6
1900	9,014	424	4.9
1890	8,590	4,540	112.1
1880	4,050	984	32.1
1870	3,066	...	...
DEPEW VILLAGE:			
1960	13,380	6,363	88.2
1950	7,217	1,133	18.6
1940	6,084	-452	-6.9
1930	6,536	686	11.7
1920	5,850	1,929	49.2
1910	3,921	542	16.0
1900	3,379	...	...

[fol. 32m]

500 to 1,000	122	89,094	122	89,094	...	...
200 to 500	67	25,374	67	25,374	...	...
Under 200	6	664	6	664	...	...
In urbanized areas	191	11,944,404	150	10,938,106	41	1,006,298
500,000 or more	2	8,314,743	2	8,314,743	...	...
250,000 to 500,000	1	318,611	1	318,611	...	...
100,000 to 250,000	5	739,202	5	739,202	...	...
50,000 to 100,000	11	731,882	7	480,068	4	251,814
25,000 to 50,000	16	533,736	7	224,838	9	308,898
20,000 to 25,000	13	287,550	8	177,100	5	110,450
10,000 to 20,000	43	636,463	20	301,327	23	335,136
25,000 to 50,000	6	132,849	3	109,411	1	23,438
10,000 to 25,000	80	291,739	18	268,488	2	23,251
5,000 to 10,000	49	334,133	37	247,494	12	86,639
2,500 to 5,000	91	313,256	68	239,543	23	77,713
Rural territory	380	416,930	324	329,132	56	87,818
2,000 to 2,500	39	86,386	28	62,182	11	24,204
1,500 to 2,000	57	99,601	42	73,398	15	26,243
1,000 to 1,500	100	123,263	70	85,892	30	37,371
500 to 1,000	113	82,351	113	82,351	...	...
200 to 500	65	24,685	65	24,685	...	...
Under 200	6	664	6	664	...	...

Table 5.—POPULATION OF INCORPORATED PLACES OF 10,000 OR MORE FROM EARLIEST CENSUS TO 1960

[Minus sign (-) denotes decrease]

Incorporated place and census year	Population	Increase over preceding census	
		Number	Percent
ALBANY CITY:			
1960	129,726	-9,269	-3.9
1950	134,995	4,418	3.4
1940	130,577	3,165	2.5
1930	127,412	14,068	12.4
1920	113,344	13,091	13.1
1910	100,253	6,102	6.5
1900	94,151	-772	-0.8
1890	94,923	4,165	4.6
1880	90,758	21,336	30.7
1870	69,422	7,055	11.3
1860	62,367	11,604	22.9
1850	50,763	17,042	50.5
1840	33,721	9,512	39.3
1830	24,209	11,579	91.7
1820	12,630	1,868	17.4
1810	10,762	5,473	103.5
1800	5,289	1,791	51.2
1790	3,498	...	...
AMSTERDAM CITY:			
1960	28,772	-3,468	-10.8
1950	32,240	-1,089	-3.3
1940	33,329	-1,488	-4.3
1930	34,817	1,293	3.9
1920	33,524	2,297	7.2
1910	31,267	10,338	49.4
1900	20,929	3,593	20.7
1890	17,336	7,870	83.1
1880	9,466	4,040	74.5
1870	5,426	...	...
AUBURN CITY:			
1960	35,249	-1,473	-4.0
1950	36,722	969	2.7
1940	35,753	-899	-2.5
1930	36,652	460	1.3
1920	36,192	1,524	4.4
1910	34,668	4,323	14.2
1900	30,345	4,487	17.4
1890	25,858	3,934	17.9
1880	21,924	4,699	27.3
1870	17,225	6,239	56.8
1860	10,986	1,438	15.1
1850	9,548	3,922	69.7
1840	5,626	...	...
BABYLON TOWN:			
1960	11,062	5,047	83.9
1950	6,015	1,273	26.8
1940	4,742	400	9.2
1930	4,342	1,819	72.1
1920	2,523	-77	-3.0
1910	2,600	443	20.5
1900	2,157	...	...
BATAVIA CITY:			
1960	18,210	411	2.3
1950	17,799	532	3.1
1940	17,267	-108	-0.6
1930	17,375	3,834	28.3
1920	13,541	1,928	16.6
1910	11,613	2,433	26.5
1900	9,180	1,959	27.1
1890	7,221	2,376	49.0
1880	4,845	955	24.6
1870	3,890	1,330	52.0
1860	2,560	...	...
BEACON CITY:			
1960	13,922	-90	-0.6
1950	14,012	1,440	11.5
1940	12,572	639	5.4
1930	11,933	937	8.5
1920	10,996	...	...
BINGHAMTON CITY:			
1960	75,941	-4,733	-5.9
1950	80,674	2,369	3.0
1940	78,309	1,647	2.1
1930	76,662	9,862	14.8
1920	66,800	18,357	37.9
1910	48,443	8,796	22.2
1900	39,647	4,642	13.3
1890	35,005	17,688	102.1
1880	17,317	4,625	36.4
1870	12,692	4,367	52.5
1860	8,325	...	...
BUFFALO CITY:			
1960	532,759	-47,373	-8.2
1950	580,132	4,231	0.7
1940	575,901	2,825	0.5
1930	573,076	66,301	13.1
1920	506,775	83,060	19.6
1910	423,715	71,328	20.2
1900	352,387	96,723	37.8
1890	255,664	100,530	64.8
1880	155,134	37,420	31.8
1870	117,714	36,585	45.1
1860	81,129	38,868	92.0
1850	42,261	24,048	132.0
1840	18,213	9,545	110.1
1830	8,668	6,573	313.7
1820	2,095	587	38.9
1810	1,508	...	...
COHOES CITY:			
1960	20,129	-1,143	-5.4
1950	21,272	-683	-3.1
1940	21,955	-1,271	-5.5
1930	23,226	239	1.0
COHOES CITY—Con.			
1920	22,987	-1,722	-7.0
1910	24,709	709	3.0
1900	23,910	1,401	6.2
1890	22,509	3,093	15.9
1880	19,416	4,059	26.4
1870	15,357	6,357	74.5
1860	8,800	4,772	108.1
1850	4,229	...	...
CORNING CITY:			
1960	17,085	-599	-3.4
1950	17,684	1,472	9.1
1940	16,212	435	2.8
1930	15,777	-43	-0.3
1920	15,820	2,080	15.2
1910	13,730	2,669	24.1
1900	11,061	2,511	29.4
1890	8,550	3,748	78.1
1880	4,802	784	19.5
1870	4,018	...	...
CORTLAND CITY:			
1960	19,181	1,029	5.7
1950	18,152	2,271	14.3
1940	15,881	838	5.6
1930	15,043	1,749	13.2
1920	13,294	1,780	15.6
1910	11,506	2,490	27.6
1900	9,014	424	4.9
1890	8,590	4,540	112.1
1880	4,050	984	32.1
1870	3,066	...	...
DEPEW VILLAGE:			
1960	13,380	6,363	88.2
1950	7,237	1,133	18.6
1940	6,084	-452	-6.9
1930	6,536	686	11.7
1920	5,850	1,929	49.2
1910	3,921	542	16.0
1900	3,379	...	...
DUNKIRK CITY:			
1960	18,205	198	1.1
1950	18,007	294	1.7
1940	17,713	-89	-0.5
1930	17,802	-1,534	-7.9
1920	19,336	2,118	12.3
1910	17,221	5,605	48.3
1900	11,616	2,200	23.4
1890	9,416	2,168	29.9
1880	7,248	2,017	38.6
1870	5,231	...	...

[fol. 32m]

32m

Table 5.—POPULATION OF INCORPORATED PLACES OF 10,000 OR MORE FROM EARLIEST CENSUS TO 1960—Con.

[Minus sign (–) denotes decrease]

Incorporated place and census year	Population	Increase over preceding census	
		Number	Percent
EAST ROCKAWAY CITY:			
1960	10,721	2,751	34.5
1950	7,970	2,360	42.1
1940	5,610	1,270	29.3
1930	4,340	2,335	116.5
1920	2,005	805	67.1
1910	1,200	461	62.4
1900	739	...	...
ELMIRA CITY:			
1960	46,317	-3,199	-6.4
1950	49,716	4,610	10.2
1940	45,106	-2,291	-4.8
1930	47,397	2,004	4.4
1920	45,393	8,217	22.1
1910	37,176	1,504	4.2
1900	35,672	4,779	15.5
1890	30,893	10,352	50.4
1880	20,541	4,678	29.5
1870	15,863	...	...
ENDICOTT VILLAGE: [1]			
1960	18,778	-1,275	-6.4
1950	20,050	2,348	13.3
1940	17,702	1,471	9.1
1930	16,231	6,731	70.9
1920	9,500	7,092	294.5
1910	2,408	...	...
FLORAL PARK VILLAGE:			
1960	17,499	2,917	20.0
1950	14,582	1,632	12.6
1940	12,950	2,934	29.3
1930	10,016	7,919	377.6
1920	2,097	872	71.2
1910	1,225	...	...
FREEPORT VILLAGE:			
1960	34,419	9,739	39.5
1950	24,680	4,270	20.9
1940	20,410	4,943	32.0
1930	15,467	6,868	79.9
1920	8,599	3,763	77.8
1910	4,836	2,224	85.1
1900	2,612	...	...
FULTON CITY: [2]			
1960	14,261	339	2.4
1950	13,922	560	4.2
1940	13,362	900	7.2
1930	12,462	-581	-4.5
1920	13,043	2,563	24.5
1910	10,480	5,199	98.4
1900	5,281	1,067	25.3
1890	4,214	273	6.9
1880	3,941	434	12.4
1870	3,507	...	...
GARDEN CITY VILLAGE:			
1960	23,948	9,482	65.3
1950	14,486	3,483	29.1
1940	11,223	4,043	56.3
1930	7,180	4,780	196.7
1920	2,420	...	...
GENEVA CITY:			
1960	17,286	142	0.8
1950	17,144	1,589	10.2
1940	15,555	-498	-3.1
1930	16,053	1,405	9.6
1920	14,648	2,202	17.7
1910	12,446	2,013	19.3
1900	10,433	2,876	38.1
1890	7,557	1,679	28.6
1880	5,878	357	6.5
1870	5,521	...	...
GLEN COVE CITY:			
1960	13,817	8,687	97.4
1950	15,130	2,715	21.9
1940	12,415	983	8.6
1930	11,430	2,766	31.9
1920	8,664	...	...
GLENS FALLS CITY:			
GLOVERSVILLE CITY:			
1960	21,741	-1,893	-8.0
1950	23,634	305	1.3
1940	23,329	230	1.0
1930	23,099	1,024	4.6
1920	22,075	1,433	6.9
1910	20,642	2,293	12.5
1900	18,349	4,485	32.3
1890	13,864	6,731	94.4
1880	7,133	2,615	57.9
1870	4,518	...	...
GREAT NECK VILLAGE:			
1960	10,171	2,412	31.1
1950	7,759	1,392	25.8
1940	6,167	2,157	53.8
1930	4,010	...	...
HEMPSTEAD VILLAGE:			
1960	34,641	5,506	18.9
1950	29,135	8,279	39.7
1940	20,856	8,206	64.9
1930	12,650	6,268	98.2
1920	6,382	1,418	28.6
1910	4,964	1,382	38.6
1900	3,582	1,249	25.9
1890	4,831	2,310	91.6
1880	2,521	205	8.9
1870	2,316	...	...
HORNELL CITY:			
1960	13,907	-1,142	-7.6
1950	15,049	-600	-3.8
1940	15,649	-601	-3.7
1930	16,250	1,225	8.2
1920	15,025	1,408	10.3
1910	13,617	1,699	14.3
1900	11,918	922	8.4
1890	10,996	2,801	34.2
1880	8,195	3,643	80.0
1870	4,552	...	...
HUDSON CITY:			
1960	11,075	-554	-4.8
1950	11,629	112	1.0
1940	11,517	-820	-6.6
1930	12,337	592	5.0
1920	11,745	328	2.9
1910	11,417	1,889	19.8
1900	9,528	-442	-4.4
1890	9,970	1,300	15.0
1880	8,670	55	0.6
1870	8,615	1,428	19.9
1860	7,187	901	14.3
1850	6,286	614	10.8
1840	5,672	280	5.2
1830	5,392	82	1.5
1820	5,310	1,262	31.2
1810	4,048	384	10.5
1800	3,664	1,080	41.8
1790	2,584	...	...
ILION VILLAGE:			
1960	10,199	836	8.9
1950	9,363	436	4.9
1940	8,927	-963	-9.7
1930	9,890	-279	-2.7
1920	10,169	3,581	54.4
1910	6,588	1,450	28.2
1900	5,138	1,081	26.6
1890	4,057	346	9.3
1880	3,711	835	29.0
1870	2,876	...	...
ITHACA CITY:			
1960	28,799	-458	-1.6
1950	29,257	9,527	48.3
1940	19,730	-978	-4.7
1930	20,708	3,704	21.8
1920	17,004	2,202	14.9
1910	14,802	1,666	12.7
1900	13,136	2,057	18.6
1890	11,079	1,974	21.7
1880	9,105	643	7.6
1870	8,462	...	...
JOHNSON CITY VILLAGE:			
1960	19,118	-131	-0.7
1950	19,249	1,210	6.7
1940	18,039	4,472	33.0
1930	13,567	4,980	58.0
1920	8,587	4,812	127.5
1910	3,775	664	21.3
1900	3,111	...	...
JOHNSTOWN CITY:			
1960	10,390	-533	-4.9
1950	10,923	257	2.4
1940	10,666	-135	-1.2
1930	10,801	-107	-1.0
1920	10,908	461	4.4
1910	10,447	317	3.1
1900	10,130	2,362	30.4
1890	7,768	2,755	55.0
1880	5,813	1,731	52.7
1870	3,282	...	...
KENMORE VILLAGE:			
1960	21,261	1,195	6.0
1950	20,066	1,454	7.8
1940	18,612	2,130	12.9
1930	16,482	13,322	421.6
1920	3,160	2,140	209.8
1910	1,020	702	220.8
1900	318	...	...
KINGSTON CITY:			
1960	29,260	443	1.5
1950	28,817	228	0.8
1940	28,589	501	1.8
1930	28,088	1,400	5.2
1920	26,688	780	3.0
1910	25,908	1,373	5.6
1900	24,535	3,274	15.4
1890	21,261	2,917	15.9
1880	18,344	12,029	190.3
1870	6,315	...	...
LACKAWANNA CITY:			
1960	29,564	1,906	6.9
1950	27,658	3,600	15.0
1940	24,058	110	0.5
1930	23,948	6,030	33.7
1920	17,918	3,369	23.2
1910	14,549	...	...
LANCASTER VILLAGE:			
1960	12,254	3,589	41.4
1950	8,665	1,429	19.7
1940	7,236	196	2.8
1930	7,040	981	16.2
1920	6,059	1,695	38.8
1910	4,364	614	16.4
1900	3,750	2,058	121.6
1890	1,692	90	5.6
1880	1,602	-95	-5.6
1870	1,697	-9	-0.5
1860	1,706	...	...
LINDENHURST VILLAGE:			
1960	30,905	12,261	141.8
1950	8,644	3,888	81.7
1940	4,756	716	17.7
1930	4,040	...	...
LOCKPORT CITY:			
1960	26,443	1,310	5.2
1950	25,133	754	3.1
1940	24,379	1,219	5.3
1930	23,160	1,852	8.7
1920	21,308	3,338	18.6
1910	17,970	1,389	8.4
1900	16,581	543	3.4
1890	16,038	2,516	18.6
1880	13,522	1,096	8.8
1870	12,426	1,555	14.3
1860	10,871	...	...
LONG BEACH CITY:			
1960	26,473	10,887	69.9

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1950	46,317	-3,199	-6.4
1930	49,716	4,610	10.2
1940	45,106	-2,291	-4.8
1930	47,397	2,004	4.4
1920	45,393	8,217	22.1
1910	37,176	1,504	4.2
1900	35,672	4,779	15.5
1890	30,893	10,352	50.4
1880	20,541	4,678	29.5
1870	15,863	...	...
ENDICOTT VILLAGE:[1]			
1960	18,775	-1,275	-6.4
1950	20,050	2,348	13.3
1940	17,702	1,471	9.1
1930	16,231	6,731	70.9
1920	9,500	7,092	294.5
1910	2,408	...	...
FLORAL PARK VILLAGE:			
1960	17,499	2,917	20.0
1950	14,582	1,632	12.6
1940	12,950	2,934	29.3
1930	10,016	7,819	377.6
1920	2,097	872	71.2
1910	1,225	...	...
FREEPORT VILLAGE:			
1960	34,419	9,739	39.5
1950	24,680	4,270	20.9
1940	20,410	4,943	32.0
1930	15,467	6,868	79.9
1920	8,599	1,763	77.8
1910	4,836	2,224	85.1
1900	2,612	...	...
FULTON CITY:[2]			
1960	14,261	339	2.4
1950	13,922	560	4.2
1940	13,362	900	7.2
1930	12,462	-581	-4.5
1920	13,043	2,563	24.5
1910	10,480	5,199	98.4
1900	5,281	1,067	25.3
1890	4,214	273	6.9
1880	3,941	434	12.4
1870	3,507	...	...
GARDEN CITY VILLAGE:			
1960	23,943	9,462	65.3
1950	14,486	3,283	29.1
1940	11,223	4,043	56.3
1930	7,180	4,760	196.7
1920	2,420	...	...
GENEVA CITY:			
1960	17,286	142	0.8
1950	17,144	1,589	10.2
1940	15,555	-498	-3.1
1930	16,053	1,405	9.6
1920	14,648	2,202	17.7
1910	12,446	2,013	19.3
1900	10,433	2,876	38.1
1890	7,557	1,679	28.6
1880	5,878	357	6.5
1870	5,521	...	...
GLEN COVE CITY:			
1960	23,817	8,687	57.4
1950	15,130	2,715	21.9
1940	12,415	985	8.6
1930	11,430	2,766	31.9
1920	8,664	...	...
GLENS FALLS CITY:			
1960	18,580	-1,030	-5.3
1950	19,610	774	4.1
1940	18,836	305	1.6
1930	18,531	1,893	11.4
1920	16,638	1,395	9.2
1910	15,243	2,630	20.9
1900	12,613	3,104	32.6
1890	9,509	4,609	94.1
1880	4,900	400	8.9
1870	4,500	720	19.0
1860	3,780	1,063	39.1
1850	2,717	...	...
1870	4,518	...	...
GREAT NECK VILLAGE:			
1960	10,171	2,412	31.1
1950	7,759	1,592	25.8
1940	6,167	2,157	53.8
1930	4,010	...	...
HEMPSTEAD VILLAGE:			
1960	34,641	5,506	18.9
1950	29,135	8,279	39.7
1940	20,856	8,206	64.9
1930	12,650	6,268	98.2
1920	6,382	1,418	28.6
1910	4,964	1,382	38.6
1900	3,582	1,269	-25.9
1890	4,831	2,310	91.6
1880	2,521	205	8.9
1870	2,316	...	...
HORNELL CITY:			
1960	13,907	-1,142	-7.6
1950	15,049	-600	-3.8
1940	15,649	-601	-3.7
1930	16,250	1,225	8.2
1920	15,025	1,408	10.3
1910	13,617	1,699	14.3
1900	11,918	922	8.4
1890	10,996	2,801	34.2
1880	8,195	3,643	80.0
1870	4,552	...	...
HUDSON CITY:			
1960	11,075	-554	-4.8
1950	11,629	112	1.0
1940	11,517	-820	-6.6
1930	12,337	592	5.0
1920	11,745	328	2.9
1910	11,417	1,889	19.8
1900	9,528	-442	-4.4
1890	9,970	1,300	15.0
1880	8,670	55	0.6
1870	8,615	1,428	19.9
1860	7,187	901	14.3
1850	6,286	614	10.8
1840	5,672	280	5.2
1830	5,392	82	1.5
1820	5,310	1,262	31.2
1810	4,048	384	10.5
1800	3,664	1,080	41.8
1790	2,584	...	...
ILION VILLAGE:			
1960	10,199	836	8.9
1950	9,363	436	4.9
1940	8,927	-963	-9.7
1930	9,890	-279	-2.7
1920	10,169	3,581	54.4
1910	6,588	1,450	28.2
1900	5,138	1,081	26.6
1890	4,057	346	9.3
1880	3,711	835	29.0
1870	2,876	...	...
ITHACA CITY:			
1960	28,799	-458	-1.6
1950	29,257	9,527	48.3
1940	19,730	-978	-4.7
1930	20,708	3,704	21.8
1920	17,004	2,202	14.9
1910	14,802	1,666	12.7
1900	13,136	2,057	18.6
1890	11,079	1,974	21.7
1880	9,105	643	7.6
1870	8,462	...	...
JAMESTOWN CITY:			
1960	41,818	-1,536	-3.5
1950	43,354	716	1.7
1940	42,638	-2,517	-5.6
1930	45,155	6,238	16.0
1920	38,917	7,620	24.3
1910	31,297	8,405	36.7
1900	22,892	6,854	42.7
1890	16,038	6,681	71.4
1880	9,357	4,021	75.4
1870	5,336	2,181	69.1
1860	3,155	...	...
JOHNSTOWN CITY:			
1960	10,390	-533	-4.9
1950	10,923	257	2.4
1940	10,666	-135	-1.2
1930	10,801	-107	-1.0
1920	10,908	461	4.4
1910	10,447	317	3.1
1900	10,130	2,362	30.4
1890	7,768	2,755	55.0
1880	5,013	1,731	52.7
1870	3,282	...	...
KENMORE VILLAGE:			
1960	21,261	1,195	6.0
1950	20,066	1,454	7.8
1940	18,612	2,130	12.9
1930	16,482	13,322	421.6
1920	3,160	2,140	209.8
1910	1,020	702	220.8
1900	318	...	...
KINGSTON CITY:			
1960	29,260	443	1.5
1950	28,817	228	0.8
1940	28,589	501	1.8
1930	28,088	1,400	5.2
1920	26,688	780	3.0
1910	25,908	1,373	5.6
1900	24,535	3,274	15.4
1890	21,261	2,917	15.9
1880	18,343	12,029	190.5
1870	6,315	...	...
LACKAWANNA CITY:			
1960	29,564	1,906	6.9
1950	27,658	3,600	15.0
1940	24,058	110	0.5
1930	23,948	6,030	33.7
1920	17,918	3,369	23.2
1910	14,549	...	...
LANCASTER VILLAGE:			
1960	12,254	3,589	41.4
1950	8,665	1,429	19.7
1940	7,236	196	2.8
1930	7,040	981	16.2
1920	6,059	1,695	38.8
1910	4,364	614	16.4
1900	3,750	2,058	121.6
1890	1,692	90	5.6
1880	1,602	-95	-5.6
1870	1,697	-9	-0.5
1860	1,706	...	...
LINDENHURST VILLAGE:			
1960	20,905	8,261	141.8
1950	8,644	3,888	81.7
1940	4,756	716	17.7
1930	4,040	...	...
LOCKPORT CITY:			
1960	26,443	1,310	5.2
1950	25,133	754	3.1
1940	24,379	1,219	5.3
1930	23,160	1,852	8.7
1920	21,308	3,338	18.6
1910	17,970	1,389	8.4
1900	16,581	543	3.4
1890	16,038	2,516	18.6
1880	13,522	1,096	8.8
1870	12,426	1,555	14.3
1860	10,871	...	...
LONG BEACH CITY:			
1960	26,473	10,887	69.9
1950	15,586	6,550	72.5
1940	9,036	3,219	55.3
1930	5,817	5,535	1,962.8
1920	282	...	...
LYNBROOK VILLAGE:			
1960	19,881	2,567	14.8
1950	17,314	2,757	18.9
1940	14,557	2,564	21.4
1930	11,993	7,622	174.4
1920	4,371	...	...

[1] Union and Endicott villages consolidated as Endicott village in 1921. Combined figures for 1920, 12,803; for 1910, 3,952.

[2] Fulton and Oswego Falls villages consolidated as Fulton city in 1902. Combined population for 1900 and prior census years is as follows: 1900, 8,206; 1890, 6,035; 1880, 5,772; 1870, 4,626.

[3] Estimated.

[fol. 32n]

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Table 5.—POPULATION OF INCORPORATED PLACES OF 10,000 OR MORE FROM EARLIEST CENSUS TO 1960—Con.

[Minus sign (-) denotes decrease]

Incorporated place and census year	Population	Increase over preceding census	
		Number	Percent
HAMMONDS VILLAGE:			
1960	17,673	2,657	17.7
1950	15,016	1,982	15.2
1940	13,034	1,268	10.8
1930	11,766	5,195	79.1
1920	6,571	872	15.3
1910	5,699	...	...
HASBROUCK PARK VILLAGE:			
1960	19,904	17,970	732.8
1950	2,334	1,846	378.3
1940	488	...	...
HASTINGS VILLAGE:			
1960	13,478	2,341	17.8
1950	11,137	1,809	16.0
1940	11,328	691	6.5
1930	10,637	4,644	77.5
1920	5,993	3,042	103.1
1910	2,951	919	45.2
1900	2,032	983	93.7
1890	1,049	...	...
1880	(1)	...	...
1870	483	...	...
HAVERSTRAW CITY:			
1960	23,475	889	3.9
1950	22,586	678	3.1
1940	21,908	632	3.0
1930	21,276	2,856	15.5
1920	18,420	3,107	20.3
1910	15,313	791	5.4
1900	14,522	2,545	21.2
1890	11,977	3,483	41.0
1880	8,494	2,445	40.4
1870	6,049	...	...
HEMPSTEAD VILLAGE:			
1960	39,519	9,688	38.4
1950	14,831	4,767	47.4
1940	10,064	1,909	23.4
1930	8,155	5,139	170.4
1920	3,016	1,035	52.2
1910	1,981	...	...
HENDERSON CITY:			
1960	30,979	-977	-3.1
1950	31,956	73	0.2
1940	31,883	608	1.9
1930	31,275	909	3.0
1920	30,366	2,561	9.2
1910	27,805	2,862	11.5
1900	24,943	1,856	8.0
1890	23,087	5,038	27.9
1880	18,049	1,035	6.1
1870	17,014	4,436	35.3
1860	[2]12,578	...	...
HIGH HILL PARK VILLAGE:			
[illegible]	[illegible]	3,450	[illegible]
HORNELL CITY:			
1960	13,242	-1,258	-8.7
1950	14,500	1,500	11.5
1940	13,000	1,000	8.3
1930	12,000	1,000	9.1
1920	11,000	1,000	10.0
1910	10,000	1,000	11.1
1900	9,000	1,000	12.5
1890	8,000	1,000	14.3
1880	7,000	1,000	16.7
1870	6,000	...	...
HUDSON CITY:			
1960	12,210	-1,290	-9.6
1950	13,500	1,500	12.5
1940	12,000	1,000	9.1
1930	11,000	1,000	10.0
1920	10,000	1,000	11.1
1910	9,000	1,000	12.5
1900	8,000	1,000	14.3
1890	7,000	1,000	16.7
1880	6,000	...	...
HUNTINGTON VILLAGE:			
1960	12,866	2,573	25.0
1950	10,293	649	6.7
1940	9,644	1,997	26.1
1930	7,649	685	9.8
1920	6,964	737	11.8
1910	6,227	1,649	36.0
1900	4,578	880	23.8
1890	3,698	1,248	50.9
1880	2,450	202	9.0
1870	2,248	...	...
IRONDEQUOIT TOWN:			
1960	30,979	-977	-3.1
1950	31,956	73	0.2
1940	31,883	608	1.9
1930	31,275	909	3.0
1920	30,366	2,561	9.2
1910	27,805	2,862	11.5
1900	24,943	1,856	8.0
1890	23,087	5,038	27.9
1880	18,049	1,035	6.1
1870	17,014	4,436	35.3
1860	[2]12,578	...	...
IRVINGTON VILLAGE:			
1960	6,074	-1,126	-15.6
1950	7,200	1,200	20.0
1940	6,000	1,000	20.0
1930	5,000	1,000	25.0
1920	4,000	1,000	33.3
1910	3,000	1,000	50.0
1900	2,000	1,000	100.0
1890	1,000	...	...
ITHACA CITY:			
1960	28,732	1,732	6.4
1950	27,000	1,000	3.8
1940	26,000	1,000	4.0
1930	25,000	1,000	4.2
1920	24,000	1,000	4.3
1910	23,000	1,000	4.5
1900	22,000	1,000	4.8
1890	21,000	1,000	5.0
1880	20,000	1,000	5.3
1870	19,000	...	...
JAMESTOWN CITY:			
1960	39,475	-1,525	-3.7
1950	41,000	1,000	2.5
1940	40,000	1,000	2.6
1930	39,000	1,000	2.7
1920	38,000	1,000	2.8
1910	37,000	1,000	2.9
1900	36,000	1,000	3.0
1890	35,000	1,000	3.1
1880	34,000	1,000	3.2
1870	33,000	...	...
JOHNSON CITY:			
1960	17,126	-1,874	-9.9
1950	19,000	1,000	5.6
1940	18,000	1,000	5.9
1930	17,000	1,000	6.3
1920	16,000	1,000	6.7
1910	15,000	1,000	7.1
1900	14,000	1,000	7.7
1890	13,000	1,000	8.3
1880	12,000	1,000	9.1
1870	11,000	...	...
KINGSTON CITY:			
1960	28,063	-1,937	-6.5
1950	30,000	1,000	3.4
1940	29,000	1,000	3.6
1930	28,000	1,000	3.7
1920	27,000	1,000	3.8
1910	26,000	1,000	4.0
1900	25,000	1,000	4.2
1890	24,000	1,000	4.3
1880	23,000	1,000	4.5
1870	22,000	...	...
LACKAWANNA CITY:			
1960	29,564	-1,436	-4.6
1950	31,000	1,000	3.3
1940	30,000	1,000	3.4
1930	29,000	1,000	3.6
1920	28,000	1,000	3.7
1910	27,000	1,000	3.8
1900	26,000	1,000	4.0
1890	25,000	1,000	4.2
1880	24,000	1,000	4.3
1870	23,000	...	...
LACKAWANNA VILLAGE:			
1960	22,000	-1,000	-4.3
1950	23,000	1,000	4.5
1940	22,000	1,000	4.8
1930	21,000	1,000	5.0
1920	20,000	1,000	5.3
1910	19,000	1,000	5.6
1900	18,000	1,000	6.0
1890	17,000	1,000	6.3
1880	16,000	1,000	6.7
1870	15,000	...	...
LANCASTER VILLAGE:			
1960	10,000	-1,000	-9.1
1950	11,000	1,000	10.0
1940	10,000	1,000	11.1
1930	9,000	1,000	12.5
1920	8,000	1,000	14.3
1910	7,000	1,000	16.7
1900	6,000	1,000	20.0
1890	5,000	1,000	25.0
1880	4,000	1,000	33.3
1870	3,000	...	...
LARCHMONT VILLAGE:			
1960	6,074	-1,126	-15.6
1950	7,200	1,200	20.0
1940	6,000	1,000	20.0
1930	5,000	1,000	25.0
1920	4,000	1,000	33.3
1910	3,000	1,000	50.0
1900	2,000	1,000	100.0
1890	1,000	...	...
LEVITTOWN TOWN:			
1960	57,878	57,878	...
1950	...	...	...
LEWISTON VILLAGE:			
1960	3,000	1,000	50.0
1950	2,000	1,000	100.0
1940	1,000	...	...
LIBERTY VILLAGE:			
1960	4,000	1,000	33.3
1950	3,000	1,000	50.0
1940	2,000	1,000	100.0
1930	1,000	...	...
LITTLE FALLS CITY:			
1960	7,000	1,000	16.7
1950	6,000	1,000	20.0
1940	5,000	1,000	25.0
1930	4,000	1,000	33.3
1920	3,000	1,000	50.0
1910	2,000	1,000	100.0
1900	1,000	...	...
LOCKPORT CITY:			
1960	26,000	1,000	4.0
1950	25,000	1,000	4.2
1940	24,000	1,000	4.3
1930	23,000	1,000	4.5
1920	22,000	1,000	4.8
1910	21,000	1,000	5.0
1900	20,000	1,000	5.3
1890	19,000	1,000	5.6
1880	18,000	1,000	6.0
1870	17,000	...	...
LONG BEACH CITY:			
1960	33,000	1,000	3.1
1950	32,000	1,000	3.2
1940	31,000	1,000	3.3
1930	30,000	1,000	3.4
1920	29,000	1,000	3.6
1910	28,000	1,000	3.7
1900	27,000	1,000	3.8
1890	26,000	1,000	4.0
1880	25,000	1,000	4.2
1870	24,000	...	...
LOUDONVILLE VILLAGE:			
1960	5,000	1,000	25.0
1950	4,000	1,000	33.3
1940	3,000	1,000	50.0
1930	2,000	1,000	100.0
1920	1,000	...	...
LYNBROOK VILLAGE:			
1960	19,000	1,000	5.6
1950	18,000	1,000	5.9
1940	17,000	1,000	6.3
1930	16,000	1,000	6.7
1920	15,000	1,000	7.1
1910	14,000	1,000	7.7
1900	13,000	1,000	8.3
1890	12,000	1,000	9.1
1880	11,000	1,000	10.0
1870	10,000	...	...
MALONE VILLAGE:			
1960	10,000	1,000	11.1
1950	9,000	1,000	12.5
1940	8,000	1,000	14.3
1930	7,000	1,000	16.7
1920	6,000	1,000	20.0
1910	5,000	1,000	25.0
1900	4,000	1,000	33.3
1890	3,000	1,000	50.0
1880	2,000	1,000	100.0
1870	1,000	...	...
MAMARONECK VILLAGE:			
1960	17,673	2,657	17.7
1950	15,016	1,982	15.2
1940	13,034	1,268	10.8
1930	11,766	5,195	79.1
1920	6,571	872	15.3
1910	5,699	...	...
MASSAPEQUA PARK VILLAGE:			
1960	19,904	17,970	732.8
1950	2,334	1,846	378.3
1940	488	...	...
MASSENA VILLAGE:			
1960	13,478	2,341	17.8
1950	11,137	1,809	16.0
1940	11,328	691	6.5
1930	10,637	4,644	77.5
1920	5,993	3,042	103.1
1910	2,951	919	45.2
1900	2,032	983	93.7
1890	1,049	...	...
1880	(1)	...	...
1870	483	...	...
MIDDLETOWN CITY:			
1960	23,475	889	3.9
1950	22,586	678	3.1
1940	21,908	632	3.0
1930	21,276	2,856	15.5
1920	18,420	3,107	20.3
1910	15,313	791	5.4
1900	14,522	2,545	21.2
1890	11,977	3,483	41.0
1880	8,494	2,445	40.4
1870	6,049	...	...
MINEOLA VILLAGE:			
1960	20,519	5,688	38.4
1950	14,831	4,767	47.4
1940	10,064	1,909	23.4
1930	8,155	5,139	170.4
1920	3,016	1,035	52.2
1910	1,981	...	...
MOUNT VERNON CITY:			
1960	76,010	4,111	5.7
1950	71,899	4,337	6.7
1940	67,362	5,863	9.5
1930	61,499	18,773	43.9
1920	42,726	11,807	38.2
1910	30,919	9,691	45.7
1900	21,228	10,398	96.0
1890	10,830	6,244	136.2
1880	4,586	1,886	69.9
1870	2,700	...	...
NEWARK VILLAGE:			
1960	12,866	2,573	25.0
1950	10,293	649	6.7
1940	9,644	1,997	26.1
1930	7,649	685	9.8
1920	6,964	737	11.8
1910	6,227	1,649	36.0
1900	4,578	880	23.8
1890	3,698	1,248	50.9
1880	2,450	202	9.0
1870	2,248	...	...
NEW CITY:			
1960	30,979	-977	-3.1
1950	31,956	73	0.2
1940	31,883	608	1.9
1930	31,275	909	3.0
1920	30,366	2,561	9.2
1910	27,805	2,862	11.5
1900	24,943	1,856	8.0
1890	23,087	5,038	27.9
1880	18,049	1,035	6.1
1870	17,014	4,436	35.3
1860	[2]12,578	...	...
NEW HYDE PARK VILLAGE:			
[illegible]	[illegible]	3,450	[illegible]
NEW ROCHELLE CITY:			
1960	76,812	1,812	2.4
1950	75,000	1,000	1.4
1940	74,000	1,000	1.4
1930	73,000	1,000	1.4
1920	72,000	1,000	1.4
1910	71,000	1,000	1.4
1900	70,000	1,000	1.4
1890	69,000	1,000	1.4
1880	68,000	1,000	1.5
1870	67,000	...	...
NEW YORK CITY:[3]			
1960	7,781,984	-109,573	-1.4
1950	7,891,957	436,962	5.9
1940	7,454,995	524,549	7.6
1930	6,930,446	1,310,398	23.3
1920	5,620,048	853,165	17.9
1910	4,766,883	1,329,681	38.7
1900	3,437,202	1,921,901	126.8
1890	1,515,301	309,002	25.6
1880	1,206,299	264,007	28.0
1870	942,292	128,623	15.8
1860	813,669	298,122	57.8
1850	515,547	202,837	64.9
1840	312,710	110,121	54.4
1830	202,589	78,883	63.8
1820	123,706	27,333	28.4
1810	96,373	35,838	59.3
1800	60,515	27,384	82.7
1790	33,131	...	...
NIAGARA FALLS CITY:			
1960	102,394	11,322	12.7
1950	90,872	12,843	16.5
1940	78,029	2,569	3.4
1930	75,460	24,700	48.7
1920	50,760	20,315	66.7
1910	30,445	10,988	56.5
1900	19,457	13,955	253.6
1890	5,502	2,182	65.7
1880	3,320	314	10.4
1870	3,006	...	...
NORTH TONAWANDA CITY:			
1960	34,757	10,026	40.5
1950	24,731	4,477	22.1
1940	20,254	1,235	6.5
1930	19,019	3,537	22.8
1920	15,482	3,527	29.5
1910	11,955	2,886	31.8
1900	9,069	4,276	89.2
1890	4,793	3,301	221.2
1880	1,492	...	...
OSSINING VILLAGE:			
1960	16,122	-44	-0.3
1950	16,166	-180	-1.1
1940	16,346	-569	-3.4
1930	16,915	2,306	15.8
1920	14,609	-1,324	-8.3
1910	15,933	3,300	26.1
1900	12,633	971	8.3
1890	11,662	1,321	12.8
1880	10,341	265	2.6
1870	10,076	2,667	36.0
1860	7,409	...	...
OLEAN CITY:			
1960	21,868	-1,016	-4.4
1950	22,884	1,378	6.4
1940	21,506	-284	-1.3
1930	21,790	1,284	6.3
1920	20,506	5,763	39.1
1910	14,743	5,281	55.8
1900	9,462	2,104	28.6
1890	7,358	4,322	142.4
1880	3,036	1,709	128.8
1870	1,327	...	...
ONEIDA CITY:[4]			
1960	11,677	352	3.1
1950	11,325	1,034	10.0
1940	10,291	-267	-2.5
1930	10,558	17	0.2
1920	10,541	2,224	26.7
1910	8,317	1,953	30.7
1900	6,364	281	4.6
1890	6,083	2,149	54.6
1880	3,934	672	20.6
1870	3,262	...	...
ONEONTA CITY:			
1960	13,412	-152	-1.1
1950	13,564	1,833	15.6
1940	11,731	-805	-6.4
OSSINING VILLAGE—Con.			
1900	7,939	-1,413	-15.1
1890	9,352	2,774	42.2
1880	6,578	1,882	40.1
1870	4,696	-649	12.1
1860	5,345	...	...
OSWEGO CITY:			
1960	22,155	-492	-2.2
1950	22,647	585	2.7
1940	22,062	-590	-2.6
1930	22,652	-974	-4.1
1920	23,626	258	1.1
1910	23,368	1,169	5.3
1900	22,199	357	1.6
1890	21,842	726	3.4
1880	21,116	206	1.0
1870	20,910	4,094	24.3
1860	16,816	4,611	37.8
1850	12,205	...	...
PEEKSKILL CITY:			
1960	18,737	1,006	5.7
1950	17,731	420	2.4
1940	17,311	186	1.1
1930	17,125	1,257	7.9
1920	15,868	623	4.1
1910	15,245	4,887	47.2
1900	10,358	682	7.0
1890	9,676	2,783	40.4
1880	6,893	333	5.1
1870	6,560	...	...
PLATTSBURGH CITY:			
1960	20,172	2,434	13.7
1950	17,738	1,387	8.5
1940	16,351	3,002	22.5
1930	13,349	2,440	22.4
1920	10,909	-229	-2.1
1910	11,138	2,704	32.1
1900	8,434	1,424	20.3
1890	7,010	1,765	33.7
1880	5,245	106	2.1
1870	5,139	2,107	69.5
1860	3,032	...	...
PORT CHESTER VILLAGE:			
1960	24,960	990	4.1
1950	23,970	897	3.9
1940	23,073	411	1.8
1930	22,662	6,089	36.7
1920	16,573	3,764	29.4
1910	12,809	5,369	72.2
1900	7,440	2,166	41.1
1890	5,274	2,020	62.1
1880	3,254	-543	-14.3
1870	3,797	...	...
POUGHKEEPSIE CITY:			
1960	38,330	-2,693	-6.6
1950	41,023	545	1.3
1940	40,478	190	0.5
1930	40,288	5,288	15.1
1920	35,000	7,064	25.3
1910	27,936	3,907	16.3
1900	24,029	1,823	8.2
1890	22,206	1,999	9.9
1880	20,207	127	0.6
1870	20,080	5,354	36.4
1860	14,726	3,215	27.9
1850	[2]11,511	...	...
RENSSELAER CITY:			
1960	10,506	-350	-3.2
1950	10,856	88	0.8
1940	10,768	-455	-4.1
1930	11,223	400	3.7
1920	10,823	112	1.0
1910	10,711	3,245	43.5
1900	7,466	165	2.3
1890	7,301	4,006	121.6
1880	3,295	...	...

[fol. 320]

1950	2,134	1,846	378.3
1940	488	...	...
MASSENA VILLAGE:			
1960	13,478	2,341	17.8
1950	11,137	1,809	16.0
1940	11,328	691	6.5
1930	10,637	4,644	77.5
1920	5,993	3,042	103.1
1910	2,951	919	45.2
1900	2,032	983	93.7
1890	1,049	....	...
1880	(1)	...	...
1870	483	...	...
MIDDLETOWN CITY:			
1960	23,475	889	3.9
1950	22,586	678	3.1
1940	21,908	632	3.0
1930	21,276	2,856	15.5
1920	18,420	3,107	20.3
1910	15,313	791	5.4
1900	14,522	2,545	21.2
1890	11,977	3,483	41.0
1880	8,494	2,445	40.4
1870	6,049	...	...
MINEOLA VILLAGE:			
1960	20,919	5,688	38.4
1950	14,831	4,767	47.4
1940	10,064	1,909	23.4
1930	8,155	5,139	170.4
1920	3,016	1,035	52.2
1910	1,981	...	...
MOUNT VERNON CITY:			
1960	78,010	4,111	5.7
1950	73,899	4,537	6.7
1940	67,362	5,863	9.5
1930	61,499	18,773	43.9
1920	42,726	11,807	38.2
1910	30,919	9,691	45.7
1900	21,228	10,398	96.0
1890	10,830	6,244	136.2
1880	4,586	1,886	69.9
1870	2,700	...	...
NEWARK VILLAGE:			
1960	12,868	2,573	25.0
1950	10,293	649	6.7
1940	9,644	1,997	26.1
1930	7,649	685	9.8
1920	6,964	737	11.8
1910	6,227	1,649	36.0
1900	4,578	880	23.8
1890	3,698	1,248	50.9
1880	2,450	202	9.0
1870	2,248	...	...
NEWBURGH CITY:			
1960	30,979	-977	-3.1
1950	31,956	73	0.2
1940	31,883	608	1.9
1930	31,275	909	3.0
1920	30,366	2,561	9.2
1910	27,805	2,862	11.3
1900	24,943	1,836	8.0
1890	23,087	5,038	27.9
1880	18,049	1,035	6.1
1870	17,014	4,436	35.3
1860	[2]12,578	...	...
NEW HYDE PARK VILLAGE:			
1960	10,808	3,459	47.1
1950	7,349	2,658	56.7
1940	4,691	1,377	41.6
1930	3,314	...	...
NEW ROCHELLE CITY:			
1960	76,812	17,087	28.6
1950	59,725	1,317	2.3
1940	58,408	4,408	8.2
1930	54,000	17,787	49.1
1920	36,213	7,346	25.4
1910	28,867	14,147	96.1
1900	14,720	6,503	79.1
1890	8,217	...	...
1880	(1)	...	...
1870	279	...	...
1870	942,292	128,623	15.8
1860	813,669	298,122	57.8
1850	515,547	202,837	64.9
1840	312,710	110,121	54.4
1830	202,589	78,883	63.8
1820	123,706	27,333	28.4
1810	96,373	35,838	59.3
1800	60,515	27,384	82.7
1790	33,131	...	...
NIAGARA FALLS CITY:			
1960	102,394	11,522	12.7
1950	90,872	12,843	16.5
1940	78,029	2,569	3.4
1930	75,460	24,700	48.7
1920	50,760	20,315	66.7
1910	30,445	10,988	56.5
1900	19,457	13,955	253.6
1890	5,502	2,182	65.7
1880	3,320	314	10.4
1870	3,006	...	...
NORTH TONAWANDA CITY:			
1960	34,737	10,026	40.5
1950	24,731	4,477	22.1
1940	20,254	1,235	6.5
1930	19,019	3,337	22.8
1920	15,682	3,327	29.3
1910	11,955	2,886	31.8
1900	9,069	4,276	89.2
1890	4,793	3,301	221.2
1880	1,492	...	...
OSSINING CITY:			
1960	16,122	-44	-0.3
1950	16,166	-180	-1.1
1940	16,346	-569	-3.4
1930	16,915	2,306	15.8
1920	14,609	-1,324	-8.3
1910	15,933	3,300	26.1
1900	12,633	971	8.3
1890	11,662	1,321	12.8
1880	10,341	265	2.6
1870	10,076	2,667	36.0
1860	7,409	...	...
OLEAN CITY:			
1960	21,868	-1,016	-4.4
1950	22,884	1,378	6.4
1940	21,506	-284	-1.3
1930	21,790	1,284	6.3
1920	20,506	5,763	39.1
1910	14,743	5,281	55.8
1900	9,462	2,104	28.6
1890	7,358	4,322	142.4
1880	3,036	1,709	128.8
1870	1,327	...	...
ONEIDA CITY:[4]			
1960	11,677	352	3.1
1950	11,325	1,024	10.0
1940	10,291	-267	-2.5
1930	10,558	17	0.2
1920	10,541	2,224	26.7
1910	8,317	1,953	30.7
1900	6,364	281	4.6
1890	6,083	2,149	54.6
1880	3,934	672	20.6
1870	3,262	...	...
ONEONTA CITY:			
1960	13,412	-132	-1.1
1950	13,544	1,833	15.6
1940	11,731	-805	-6.4
1930	12,536	954	8.2
1920	11,582	2,091	22.0
1910	9,491	2,344	32.8
1900	7,147	875	14.0
1890	6,272	3,270	108.9
1880	3,002	1,941	182.9
1870	1,061	...	...
OSSINING VILLAGE:			
1960	18,662	2,564	15.9
1950	16,098	102	0.6
1940	15,996	755	5.0
1930	15,241	4,502	41.9
1920	10,739	-741	-6.5
1910	11,480	3,541	44.6
1940	28,062	-990	-3.6
1930	28,652	-974	-4.1
1920	23,626	256	1.1
1910	23,368	1,169	5.3
1900	22,199	357	1.6
1890	21,842	726	3.4
1880	21,116	206	1.0
1870	20,910	4,094	24.3
1860	16,816	4,611	37.8
1850	12,205	...	...
PERRYSVILLE CITY:			
1960	18,737	1,006	5.7
1950	17,731	420	2.4
1940	17,311	186	1.1
1930	17,125	1,257	7.9
1920	15,868	623	4.1
1910	15,245	4,887	47.2
1900	10,358	682	7.0
1890	9,676	2,783	40.4
1880	6,893	333	5.1
1870	6,560	...	...
PLATTSBURGH CITY:			
1960	20,172	2,434	13.7
1950	17,738	1,387	8.5
1940	16,351	3,002	22.5
1930	13,349	2,440	22.4
1920	10,909	-229	-2.1
1910	11,138	2,704	32.1
1900	8,434	1,424	20.3
1890	7,010	1,765	33.7
1880	5,245	106	2.1
1870	5,139	2,107	69.5
1860	3,032	...	...
PORT CHESTER VILLAGE:			
1960	24,960	990	4.1
1950	23,970	897	3.9
1940	23,073	411	1.8
1930	22,662	6,089	36.7
1920	16,573	3,764	29.4
1910	12,809	5,369	72.2
1900	7,440	2,166	41.1
1890	5,274	2,020	62.1
1880	3,254	-543	-14.3
1870	3,797	...	...
POUGHKEEPSIE CITY:			
1960	38,330	-2,693	-6.6
1950	41,023	545	1.3
1940	40,478	190	0.5
1930	40,288	5,288	15.1
1920	35,000	7,064	25.3
1910	27,936	3,907	16.3
1900	24,029	1,823	8.2
1890	22,206	1,999	9.9
1880	20,207	127	0.6
1870	20,080	5,354	36.4
1860	14,726	3,215	27.9
1850	[3]11,511	...	...
RENSSELAER CITY:			
1960	10,506	-350	-3.2
1950	10,856	88	0.8
1940	10,768	-455	-4.1
1930	11,223	400	3.7
1920	10,823	112	1.0
1910	10,711	3,343	43.3
1900	7,466	165	2.3
1890	7,301	4,006	121.6
1880	3,295	...	...
ROCHESTER CITY:			
1960	318,611	-13,877	-4.2
1950	332,488	7,513	2.3
1940	324,975	-3,157	-1.0
1930	328,132	32,382	10.9
1920	295,750	77,601	35.6
1910	218,149	55,541	34.2
1900	162,608	28,712	21.4
1890	133,896	44,530	49.8
1880	89,366	26,980	43.2
1870	62,386	14,182	29.4
1860	48,204	11,801	32.4
1850	36,403	16,212	80.3
1840	20,191	10,984	119.3
1830	9,207	...	...

[1] Not returned separately.
[2] Estimated.
[3] Population shown for years prior to 1900 is for New York City only, before the act of consolidation as Greater New York in 1898. For population of the combined area from 1790 to 1890 and population of each borough from 1790 to 1940, see corresponding report for U.S. Summary, table 28.
[4] Population previous to 1910 is that of Oneida village before its consolidation with Oneida town as Oneida city.

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Table 5.—POPULATION OF INCORPORATED PLACES OF 10,000 OR MORE FROM EARLIEST CENSUS TO 1960—Con.

[Minus sign (–) denotes decrease]

Incorporated place and census year	Population	Increase over preceding census	
		Number	Percent
ROCKVILLE CENTRE VILLAGE:			
1960	26,355	3,993	17.9
1950	22,362	3,749	20.1
1940	18,613	4,895	35.7
1930	13,718	7,456	119.1
1920	6,262	2,395	70.8
1910	3,667	1,783	94.6
1900	1,884	...	...
ROME CITY:			
1960	51,646	9,984	23.9
1950	41,662	7,468	21.8
1940	34,214	1,876	5.8
1930	32,338	5,997	22.8
1920	26,341	5,844	28.5
1910	20,497	5,154	33.6
1900	15,343	352	2.3
1890	14,991	2,797	22.9
1880	12,194	1,194	10.9
1870	11,000	7,416	206.9
1860	3,584	...	...
RYE CITY:[1]			
1960	14,225	2,504	21.4
1950	11,721	1,896	18.8
1940	9,865	1,153	13.2
1930	8,712	3,404	64.1
1920	5,308	1,344	33.9
1910	3,964	...	...
SARATOGA SPRINGS CITY:[2]			
1960	16,630	1,197	7.7
1950	15,473	1,768	12.9
1940	13,705	536	4.1
1930	13,169	-12	-0.1
1920	13,181	488	3.8
1910	12,693	284	2.3
1900	12,409	434	3.6
1890	11,975	3,554	42.2
1880	8,421	905	12.0
1870	7,516	...	...
SCARSDALE VILLAGE:			
1960	17,948	4,812	36.6
1950	13,136	190	1.5
1940	12,946	3,276	33.8
1930	9,690	6,184	176.4
1920	3,506	...	...
SCHENECTADY CITY:			
1960	81,682	-10,103	-11.0
1950	91,785	4,236	4.8
1940	87,549	-8,143	-8.5
1930	95,692	6,969	7.9
1920	88,723	15,897	21.8
1910	72,826	41,144	129.9
1900	31,682	11,780	59.2
1890	19,902	6,247	45.7
1880	13,655	2,629	23.8
1870	11,026	1,447	15.1
1860	9,579	658	7.4
1850	8,921	2,137	31.5
1840	6,784	2,516	59.0
1830	4,268	329	8.4
1820	3,939	-1,964	-33.3
1810	5,903	614	11.6
1800	5,289	...	...
SYRACUSE CITY:			
1960	216,038	-4,543	-2.1
1950	220,583	14,616	7.1
1940	205,967	-3,399	-1.6
1930	209,326	37,609	21.9
1920	171,717	34,468	25.1
1910	137,249	28,875	26.6
1900	108,374	20,231	23.0
1890	88,143	36,351	70.2
1880	51,792	8,741	20.3
1870	43,051	14,932	53.1
1860	28,119	5,848	26.3
1850	22,271	...	...
TARRYTOWN VILLAGE:			
1960	11,109	2,258	25.5
1950	8,851	1,977	28.8
1940	6,874	33	0.5
1930	6,841	1,034	17.8
1920	5,807	207	3.7
1910	5,600	830	17.4
1900	4,770	1,208	33.9
1890	3,562	537	17.8
1880	3,025	...	...
TONAWANDA CITY:			
1960	21,561	6 964	47.5
1950	14,617	1,609	12.4
1940	13,008	327	2.6
1930	12,681	2,633	26.0
1920	10,068	1,778	21.4
1910	8,290	869	11.7
1900	7,421	276	3.9
1890	7,145	3,281	84.9
1880	3,864	1,052	37.4
1870	2,812	...	...
TROY CITY:			
1960	67,492	-4,819	-6.7
1950	72,311	2,007	2.9
1940	70,304	-2,459	-3.4
1930	72,763	767	1.1
1920	71,996	-4,817	-6.3
1910	76,813	16,162	26.6
1900	60,651	-305	-0.5
1890	60,956	4,209	7.4
1880	56,747	10,282	22.1
1870	46,465	7,230	18.4
1860	39,235	10,450	36.3
1850	28,785	9,451	48.9
1840	19,334	7,778	67.3
1830	11,556	6,292	119.5
1820	5,264	...	...
UTICA CITY:			
1960	100,410	-1,121	-1.1
1950	101,531	-1,013	-1.0
1940	100,518	-1,222	-1.2
1930	101,740	7,584	8.1
1920	94,156	19,737	26.5
1910	74,419	18,036	32.0
1900	56,383	12,376	28.1
1890	44,007	10,093	29.8
1880	33,914	5,110	17.7
1870	28,804	6,275	27.9
1860	22,529	4,964	28.3
UTICA CITY—Con.			
1850	17,565	4,783	37.4
1840	12,782	4,459	53.6
1830	8,323	5,351	180.0
1820	2,972	...	...
VALLEY STREAM VILLAGE:			
1960	38,629	11,775	43.8
1950	26,854	10,175	61.0
1940	16,679	4,889	41.5
1930	11,790	...	...
WATERTOWN CITY:			
1960	33,306	-1,044	-3.0
1950	34,350	965	2.9
1940	33,385	1,180	3.7
1930	32,205	920	2.9
1920	31,285	4,595	17.0
1910	26,730	5,034	23.2
1900	21,696	6,971	47.3
1890	14,725	4,028	37.7
1880	10,697	1,361	14.6
1870	9,336	...	...
WATERVLIET CITY:[3]			
1960	13,917	-1,280	-8.4
1950	15,197	-917	-5.7
1940	16,114	31	0.2
1930	16,083	10	0.1
1920	16,073	999	6.6
1910	15,074	753	5.3
1900	14,321	1,334	10.4
1890	12,987	4,147	47.0
1880	8,820	-1,873	-17.5
1870	10,693	1,873	21.2
1860	8,820	1,256	16.6
1850	7,564	...	...
WESTBURY VILLAGE:			
1960	14,737	7,643	107.5
1950	7,112	2,588	57.2
1940	4,524	...	...
WHITE PLAINS CITY:[3]			
1960	50,485	7,019	16.1
1950	43,466	3,139	7.8
1940	40,327	4,497	12.6
1930	35,830	14,799	70.4
1920	21,031	5,082	31.9
1910	15,949	8,080	101.9
1900	7,899	3,857	95.4
1890	4,042	1,661	69.8
1880	2,381	...	...
YONKERS CITY:			
1960	190,634	37,836	24.8
1950	152,798	10,200	7.2
1940	142,598	7,952	5.9
1930	134,646	34,470	34.4
1920	100,176	20,373	25.5
1910	79,803	31,872	66.5
1900	47,931	15,898	49.6
1890	32,033	13,141	69.6
1880	18,892	6,199	48.4
1870	12,733	4,515	54.9
1860	[4]8,218	...	...

[1] Rye village incorporated as a city and made independent of Rye town in 1940.
[2] The population previous to 1920 is that of Saratoga Springs village before its consolidation with Saratoga Springs town as Saratoga Springs city.
[3] Population previous to 1920 is that of White Plains village before its consolidation with White Plains town as White Plains city.
[4] Estimated.

[fol. 32p]

Table 7.—POPULATION OF COUNTIES, BY MINOR CIVIL DIVISIONS: 1940 TO 1960—Con.

["U" denotes an unincorporated place. For changes in boundaries, etc., between 1940 and 1960, see table 6 for this State in *U. S. Census of Population: 1960*, Vol. I or II. Total population of a place located in 2 or more minor civil divisions appears in table 8. Minor civil division figures for 1960 and 1940 do not necessarily add to county totals]

County and minor civil division	1960	1950	1940
CHENANGO COUNTY--Con.			
Sherburne town	3,338	3,046	2,928
Earlville village (pt.)	370	274	270
Sherburne village	1,647	1,404	1,192
Smithville town	891	845	805
Smyrna town	1,055	996	971
Smyrna village	286	269	256
CLINTON COUNTY	72,722	53,622	54,006
Altona town	1,730	1,711	2,026
Ausable town	2,605	1,903	1,985
Keeseville village (pt.)	1,239	1,092	1,080
Beekmantown town	2,538	1,690	1,704
Black Brook town	1,595	1,611	1,806
Ausable Forks (U) (pt.)	887	611	...
Champlain town	5,544	5,118	4,938
Champlain village	1,349	1,305	1,334
Rouses Point village	2,160	2,001	1,846
Chazy town	3,386	2,741	2,813
Clinton town	796	844	1,157
Dannemora town	6,141	5,614	6,362
Dannemora village (pt.)	4,421	3,848	4,369
Ellenburg town	1,945	2,098	2,428
Mooers town	2,587	2,509	2,686
Mooers village	563	496	477
Peru town	3,110	2,348	2,287
Plattsburgh city	20,172	17,738	16,351
Plattsburgh town	13,390	3,713	3,163
Saranac town	4,006	2,399	2,820
Dannemora village (pt.)	414	274	261
Schuyler Falls town	3,197	1,585	1,480
COLUMBIA COUNTY	47,322	43,182	41,464
Ancram town	1,080	925	1,005
Austerlitz town	809	753	626
Canaan town	1,272	1,284	1,042
Chatham town	3,402	3,188	2,873
Chatham village (pt.)	998	968	956
Claverack town	4,989	4,406	4,071
Philmont village	1,750	1,792	1,679
Clermont town	980	898	806
Copake town	1,630	1,478	1,498
Gallatin town	621	613	554
Germantown town	1,504	1,418	1,427
Ghent town	3,485	3,173	2,948
Chatham village (pt.)	1,428	1,336	1,298
Greenport town	3,299	2,055	1,864
Hillsdale town	1,299	1,183	1,050
Hudson city	11,075	11,629	11,517
Kinderhook town	4,185	3,284	3,094
Kinderhook village	1,078	853	745
Valatie village	1,237	1,225	1,208
Livingston town	1,770	1,457	1,564
New Lebanon town	1,674	1,415	1,259
Stockport town	2,025	2,054	2,229
Stottville (U)	1,040	1,020	...
Stuyvesant town	1,496	1,394	1,433
Taghkanic town	727	575	604
CORTLAND COUNTY	41,113	37,158	33,668
Cincinnatus town	960	977	997
Cortland city	19,181	18,152	15,881
Cortlandville town	5,660	4,058	3,823
Homer village (pt.)	83	67	67
McGraw village	1,276	1,197	1,201
Cuyler town	753	704	708
Freetown town	542	534	510
Harford town	635	584	572
Homer town	5,751	5,055	4,233
Homer village (pt.)	3,569	3,177	2,861
Lapeer town	459	432	450
Marathon town	1,696	1,377	1,417
Marathon village	1,079	1,057	955
Preble town	991	808	729
Scott town	600	527	535
Solon town	549	522	486
Taylor town	474	496	531
Truxton town	907	922	1,008
Virgil town	1,420	1,257	1,257
Willet town	535	553	571
DELAWARE COUNTY	43,540	44,420	40,989
DELAWARE COUNTY--Con.			
Harpersfield town	1,193	1,263	1,200
Stamford village (pt.)	428	389	358
Kortright town	1,073	1,239	1,288
Masonville town	1,030	1,010	931
Meredith town	1,112	1,133	1,182
Middletown town	3,310	3,737	3,530
Fleischmanns village	450	469	546
Margaretville village	833	905	812
Roxbury town	2,238	2,227	2,277
Sidney town	7,110	6,669	4,509
Sidney village	5,157	4,815	3,012
Stamford town	2,103	2,121	1,993
Hobart village	585	618	638
Stamford village (pt.)	738	773	730
Tompkins town	1,463	1,680	1,642
Walton town	5,753	5,724	5,220
Walton village	3,855	3,947	3,697
DUTCHESS COUNTY	176,008	136,781	120,542
Amenia town	7,346	7,481	6,873
Beacon city	13,922	14,012	12,572
Beekman town	3,326	1,703	790
Clinton town	1,639	1,233	1,070
Dover town	8,776	7,460	7,385
East Fishkill town	4,778	2,565	2,024
Fishkill town	7,083	3,863	3,615
Fishkill village	1,033	841	720
Hyde Park town	12,681	6,136	4,050
Hyde Park (U)	1,979	1,099	...
La Grange town	6,079	2,260	1,638
Milan town	944	806	695
Northeast town	2,489	2,308	2,201
Millerton village	1,027	1,048	953
Pawling town	3,938	2,891	2,752
Pawling village	1,734	1,430	1,446
Pine Plains town	1,608	1,360	1,301
Pleasant Valley town	4,046	2,751	2,061
Poughkeepsie city	38,330	41,023	40,478
Poughkeepsie town	32,164	19,984	14,495
Arlington (U)	8,317	5,374	...
Fairview (U)	8,626	1,721	...
Rochdale (U)	1,800	1,219	...
Wappingers Falls village (pt.)	1,035	1,015	1,079
Red Hook town	6,023	4,219	3,405
Red Hook village	1,719	1,225	1,056
Tivoli village	732	753	761
Rhinebeck town	4,612	3,746	3,264
Rhinebeck village	2,093	1,923	1,697
Stanford town	1,614	1,473	1,386
Union Vale town	1,138	970	1,056
Wappinger town	9,377	5,090	4,345
Wappingers Falls village (pt.)	3,412	2,475	2,348
Washington town	3,695	3,427	3,080
Millbrook village	1,717	1,568	1,340
ERIE COUNTY	1,064,688	899,238	798,377
Alden town	7,615	4,899	4,613
Alden village	2,042	1,252	954
Amherst town	62,837	33,744	19,356
Eggertsville (U)	44,807	...	...
Williamsville village	6,316	4,649	3,614
Aurora town	12,888	9,271	7,656
East Aurora village	6,791	5,962	5,253
Boston town	5,106	2,302	1,710
Brant town	2,290	1,934	1,953
Farnham village	422	396	388
Buffalo city	532,759	580,132	575,901
Cheektowaga town	84,056	45,354	25,006
Cheektowaga-Northwest (U)	52,362	...	...
Cheektowaga-Southwest (U)	12,766	...	...
Depew village (pt.)	7,359	2,058	1,399
Sloan village	5,803	4,698	3,836
Clarence town	13,267	6,331	4,426
Clarence (U)	1,456	1,018	...
Harris Hill (U)	3,944	...	...
Colden town	2,384	1,720	1,528
Collins town	6,984	6,862	3,819
Gowanda village (pt.)	1,079	1,068	950
Concord town	6,452	5,291	4,524
Springville village	3,849	3,327	2,840
ERIE COUNTY--Con.			
Lancaster town	29,605	18,471	15,299
Depew village (pt.)	6,221	5,159	4,885
Lancaster village	12,254	8,665	7,236
Marilla town	2,252	1,482	1,364
Newstead town	5,825	4,653	4,268
Akron village	2,841	2,481	2,263
North Collins town	3,809	2,943	2,550
North Collins village	1,574	1,325	1,182
Orchard Park town	15,876	8,491	5,453
Orchard Park village	3,278	2,054	1,304
Sardinia town	2,143	1,778	1,700
Tonawanda city	21,561	14,617	13,008
Tonawanda town	105,032	35,270	32,155
Kenmore village	21,261	20,066	18,612
Tonawanda (U)	83,771	...	...
Wales town	1,910	1,370	1,198
West Seneca town	33,644	17,417	12,694
West Seneca (U)	23,138	...	...
Cattaraugus Indian Reservation (pt.)	1,426	1,421	1,411
Tonawanda Indian Reservation (pt.)	30	58	43
ESSEX COUNTY	35,300	35,066	32,178
Chesterfield town	2,003	1,903	1,694
Keeseville village (pt.)	974	865	831
Crown Point town	1,685	1,707	1,661
Elizabethtown town	1,328	1,208	1,181
Elizabethtown village	779	665	640
Essex town	880	1,012	1,002
Jay town	2,257	2,181	2,226
Ausable Forks (U) (pt.)	1,139	1,032	...
Keene town	726	938	1,060
Lewis town	803	782	791
Minerva town	700	681	505
Moriah town	5,837	5,796	5,952
Mineville (U)	1,181	...	...
Port Henry village	1,767	1,831	1,935
Newcomb town	1,187	1,212	460
North Elba town	6,005	6,089	6,092
Lake Placid village	2,998	2,999	3,136
Saranac Lake village (pt.)	1,597	1,654	1,648
North Hudson town	220	258	244
St. Armand town	868	1,142	1,233
Bloomingdale village	490	476	446
Saranac Lake village (pt.)	223	202	223
Schroon town	1,220	1,176	1,044
Ticonderoga town	5,617	5,204	4,859
Ticonderoga village	3,568	3,317	3,402
Westport town	1,565	1,597	1,657
Westport village	723	733	654
Willsboro town	1,716	1,646	1,780
Wilmington town	683	574	737
FRANKLIN COUNTY	44,742	44,830	44,286
Altamont town	6,346	6,849	6,537
Tupper Lake village	5,200	5,441	5,451
Bangor town	1,896	1,738	1,734
Bellmont town	1,088	1,186	1,279
Bombay town	1,103	1,102	1,140
Brandon town	369	397	489
Brighton town	1,092	962	804
Burke town	1,475	1,348	1,414
Burke village	273	316	344
Chateaugay town	2,176	2,407	2,602
Chateaugay village	1,097	1,234	1,183
Constable town	1,153	983	919
Dickinson town	857	834	934
Duane town	95	117	121
Fort Covington town	1,905	1,764	1,767
Fort Covington village	976	891	813
Franklin town	695	872	1,002
Harrietstown town	5,664	6,014	6,117
Saranac Lake village (pt.)	4,641	5,057	5,272
Malone town	11,997	12,644	11,987
Malone village	8,737	9,301	8,743
Moira town	2,362	2,137	2,072
Brushton village	553	516	487
Santa Clara town	158	251	258
Waverly town	1,050	979	1,017
Westville town	1,287	877	831

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Black Brook town	1,993	1,611	1,806
Ausable Forks (U) (pt.)	887	611	...
Champlain town	5,344	5,118	4,936
Champlain village	1,349	1,305	1,354
Rouses Point village	2,160	2,001	1,846
Chazy town	3,386	2,741	2,813
Clinton town	796	844	1,137
Dannemora town	6,141	5,614	6,342
Dannemora village (pt.)	4,421	3,848	4,369
Ellenburg town	1,945	2,098	2,428
Mooers town	2,587	2,309	2,680
Mooers village	543	496	477
Peru town	3,110	2,348	2,287
Plattsburgh city	20,172	17,738	16,351
Plattsburgh town	13,390	3,713	3,163
Saranac town	4,006	2,399	2,820
Dannemora village (pt.)	414	274	261
Schuyler Falls town	3,197	1,585	1,480
COLUMBIA COUNTY	47,322	43,182	41,464
Ancram town	1,080	925	1,005
Austerlitz town	809	753	826
Canaan town	1,272	1,284	1,062
Chatham town	3,402	3,188	2,873
Chatham village (pt.)	998	968	956
Claverack town	4,989	4,406	4,071
Philmont village	1,750	1,792	1,879
Clermont town	980	898	806
Copake town	1,630	1,478	1,498
Callatin town	621	613	554
Germantown town	1,504	1,418	1,427
Ghent town	3,485	3,173	2,948
Chatham village (pt.)	1,428	1,336	1,298
Greenport town	3,299	2,055	1,864
Hillsdale town	1,299	1,183	1,050
Hudson city	11,075	11,629	11,517
Kinderhook town	4,185	3,284	3,094
Kinderhook village	1,078	853	745
Valatie village	1,237	1,225	1,208
Livingston town	1,770	1,437	1,364
New Lebanon town	1,674	1,415	1,259
Stockport town	2,025	2,054	2,229
Stottville (U)	1,040	1,020	...
Stuyvesant town	1,496	1,394	1,433
Taghkanic town	727	575	604
CORTLAND COUNTY	41,113	37,158	33,668
Cincinnatus town	960	977	977
Cortland city	19,181	18,152	19,681
Cortlandville town	5,660	4,058	3,823
Homer village (pt.)	53	67	67
McGraw village	1,276	1,197	1,201
Cuyler town	753	704	708
Freetown town	542	534	510
Harford town	635	584	572
Homer town	5,751	5,055	4,233
Homer village (pt.)	3,569	3,177	2,861
Lapeer town	459	432	450
Marathon town	1,696	1,577	1,417
Marathon village	1,079	1,057	955
Preble town	991	808	729
Scott town	600	527	535
Solon town	549	522	486
Taylor town	474	496	531
Truxton town	907	922	1,008
Virgil town	1,420	1,237	1,257
Willet town	535	553	571
DELAWARE COUNTY	43,540	44,420	40,989
Andes town	1,274	1,665	1,687
Andes village	399	430	409
Bovina town	594	711	806
Colchester town	1,920	2,340	2,092
Davenport town	1,261	1,233	1,240
Delhi town	3,398	3,311	2,950
Delhi village	2,307	2,223	1,841
Deposit town	1,560	1,970	1,443
Deposit village (pt.)	838	882	776
Franklin town	2,133	2,156	2,019
Franklin village	525	558	481
Hamden town	1,108	1,114	1,177
Hancock town	3,907	3,517	3,813
Hancock village	1,830	1,560	1,581
Stamford village (pt.)	738	773	730
Tompkins town	1,463	1,680	1,642
Walton town	5,753	5,724	5,220
Walton village	3,855	3,947	3,697
DUTCHESS COUNTY	176,008	136,781	120,542
Amenia town	7,546	7,481	6,873
Beacon city	13,922	14,012	12,772
Beekman town	3,326	1,703	790
Clinton town	1,639	1,233	1,070
Dover town	8,776	7,460	7,385
East Fishkill town	4,778	2,565	2,024
Fishkill town	7,083	3,863	3,615
Fishkill village	1,033	841	720
Hyde Park town	12,681	6,136	4,056
Hyde Park (U)	1,979	1,059	...
La Grange town	6,079	2,280	1,638
Milan town	944	806	695
Northeast town	2,489	2,308	2,201
Millerton village	1,027	1,048	953
Pawling town	3,938	2,891	2,752
Pawling village	1,734	1,430	1,446
Pine Plains town	1,608	1,360	1,301
Pleasant Valley town	4,046	2,751	2,061
Poughkeepsie city	38,330	41,023	40,478
Poughkeepsie town	32,166	19,984	14,495
Arlington (U)	8,317	5,374	...
Fairview (U)	8,626	1,721	...
Rochdale (U)	1,800	1,219	...
Wappingers Falls village (pt.)	1,035	1,015	1,079
Red Hook town	6,023	4,219	3,405
Red Hook village	1,719	1,225	1,056
Tivoli village	732	753	761
Rhinebeck town	4,612	3,746	3,264
Rhinebeck village	2,093	1,923	1,697
Stanford town	1,614	1,473	1,386
Union Vale town	1,138	970	1,056
Wappinger town	9,577	5,090	4,345
Wappingers Falls village (pt.)	3,612	2,475	2,348
Washington town	3,695	3,427	3,080
Millbrook village	1,717	1,568	1,340
ERIE COUNTY	1,064,688	899,238	798,377
Alden town	7,615	4,899	4,613
Alden village	2,042	1,252	954
Amherst town	62,837	33,744	19,356
Eggertsville (U)	44,807	...	...
Williamsville village	6,316	4,649	3,614
Aurora town	12,888	9,271	7,636
East Aurora village	6,791	5,962	5,253
Boston town	5,106	2,302	1,710
Brant town	2,290	1,934	1,753
Farnham village	422	396	388
Buffalo city	532,759	580,132	575,901
Cheektowaga town	84,056	45,354	25,006
Cheektowaga-Northwest (U)	52,362	...	...
Cheektowaga-Southwest (U)	12,766	...	...
Depew village (pt.)	7,359	2,058	1,399
Sloan village	5,803	4,698	3,836
Clarence town	13,267	6,331	4,426
Clarence (U)	1,436	1,018	...
Harris Hill (U)	3,944	...	...
Colden town	2,384	1,720	1,528
Collins town	6,984	6,862	5,819
Gowanda village (pt.)	1,079	1,068	950
Concord town	6,452	5,291	4,524
Springville village	3,852	3,322	2,849
Eden town	6,630	4,201	3,295
Eden (U)	2,266	1,394	...
Elma town	7,468	4,020	2,801
Evans town	12,078	7,663	5,047
Angola village	2,499	1,936	1,663
Lake Erie Beach (U)	2,117	...	...
Grand Island town	9,607	3,090	1,055
Hamburg town	41,288	25,067	17,190
Blasdell village	3,909	3,127	2,322
Hamburg village	9,145	6,938	5,467
Hamburg-Lake Shore (U)	11,527	...	...
Scranton (U)	1,078	...	...
Holland town	2,304	1,728	1,496
Lackawanna city	29,564	27,658	24,058
Tonawanda town	105,032	55,270	32,155
Kenmore village	21,261	20,066	18,612
Tonawanda (U)	83,771	...	...
Wales town	1,910	1,370	1,198
West Seneca town	33,644	17,417	12,694
West Seneca (U)	23,138	...	...
Cattaraugus Indian Reservation (pt.)	1,426	1,421	1,411
Tonawanda Indian Reservation (pt.)	30	58	43
ESSEX COUNTY	35,300	35,086	34,178
Chesterfield town	2,003	1,903	1,694
Keeseville village (pt.)	974	885	831
Crown Point town	1,685	1,707	1,661
Elizabethtown town	1,328	1,208	1,181
Elizabethtown village	779	665	640
Essex town	880	1,012	1,002
Jay town	2,257	2,181	2,226
Ausable Forks (U) (pt.)	1,139	1,032	...
Keene town	726	938	1,060
Lewis town	803	782	791
Minerva town	700	681	595
Moriah town	5,837	5,796	5,952
Mineville (U)	1,181	...	...
Port Henry village	1,769	1,831	1,935
Newcomb town	1,187	1,212	460
North Elba town	6,009	6,089	6,092
Lake Placid village	2,998	2,999	3,136
Saranac Lake village (pt.)	1,597	1,654	1,643
North Hudson town	220	258	364
St. Armand town	868	1,142	1,233
Bloomingdale village	490	476	446
Saranac Lake village (pt.)	223	202	223
Schroon town	1,220	1,176	1,044
Ticonderoga town	5,617	5,204	4,859
Ticonderoga village	3,568	3,517	3,402
Westport town	1,565	1,597	1,657
Westport village	723	733	654
Willsboro town	1,716	1,646	1,780
Wilmington town	683	574	737
FRANKLIN COUNTY	44,742	44,830	44,286
Altamont town	6,346	6,849	6,337
Tupper Lake village	5,200	5,441	5,451
Bangor town	1,896	1,738	1,734
Bellmont town	1,088	1,186	1,279
Bombay town	1,103	1,102	1,140
Brandon town	369	397	489
Brighton town	1,092	962	804
Burke town	1,475	1,348	1,414
Burke village	273	316	344
Chateaugay town	2,176	2,407	2,602
Chateaugay village	1,097	1,234	1,183
Constable town	1,153	983	919
Dickinson town	857	838	934
Duane town	95	117	127
Fort Covington town	1,905	1,764	1,767
Fort Covington village	976	891	813
Franklin town	695	872	1,002
Harrietstown town	5,664	6,014	6,117
Saranac Lake village (pt.)	4,641	5,097	5,272
Malone town	11,997	12,644	11,987
Malone village	8,737	9,301	8,743
Moira town	2,362	2,137	2,072
Brushton village	553	516	487
Santa Clara town	158	251	258
Waverly town	1,050	979	1,017
Westville town	1,287	877	831
St. Regis Indian Reservation	1,774	1,409	1,262
FULTON COUNTY	51,304	51,021	48,597
Bleecker town	245	220	190
Broadalbin town	2,945	2,543	2,300
Broadalbin village (pt.)	1,422	1,391	1,399
Caroga town	568	462	408
Ephratah town	1,237	1,063	1,045
Gloversville city	21,741	23,634	23,329
Johnstown city	10,390	10,923	10,666
Johnstown town	5,120	4,153	3,561
Mayfield town	3,613	3,165	2,734
Broadalbin village (pt.)	16	9	...
Mayfield village	818	761	759

See footnotes at end of table, p. 20.

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Table 7.—POPULATION OF COUNTIES, BY MINOR CIVIL DIVISIONS: 1940 TO 1960—Con.

["U" denotes an unincorporated place. For changes in boundaries, etc., between 1940 and 1960, see table 6 for this State in *U. S. Census of Population: 1960*, Vol. 1 or II. Total population of a place located in 2 or more minor civil divisions appears in table 8. Minor civil division figures for 1950 and 1940 do not necessarily add to county totals]

County and minor civil division	1960	1950	1940
FULTON COUNTY—Con.			
Northampton town	2,033	1,925	1,761
Northville village	1,156	1,114	1,111
Oppenheim town	1,223	1,190	1,202
Ridgeville village (pt.)	185	166	158
Perth town	1,768	1,299	1,000
Stratford town	421	466	401
GENESEE COUNTY	53,994	47,284	44,481
Alabama town	1,931	1,786	1,763
Alexander town[11]	1,987	1,591	1,423
Alexander village[11]	335	304	265
Attica village (pt.)[11]	...	...	...
Batavia city[12]	18,210	17,799	17,287
Batavia town[12]	4,325	2,824	2,261
Bergen town	1,994	1,588	1,412
Bergen village	964	786	698
Bethany town	1,589	1,410	1,231
Byron town	1,589	1,381	1,374
Darien town	2,357	1,899	1,667
Elba town	2,280	1,920	1,955
Elba village	739	589	614
Le Roy town	6,779	4,273	5,838
Le Roy village	4,662	4,721	4,413
Oakfield town	3,388	3,041	2,896
Oakfield village[13]	2,070	1,781	1,676
Pavilion town	1,721	1,459	1,361
Pembroke town	3,451	2,866	2,391
Corfu village	616	542	462
Stafford town	2,005	1,395	1,246
Tonawanda Indian Reservation (pt.)	421	410	496
GREENE COUNTY	31,372	28,745	27,926
Ashland town	548	542	566
Athens town	2,804	2,372	2,375
Athens village	1,734	1,549	1,685
Cairo town	2,825	1,944	1,905
Catskill town	9,906	8,975	8,630
Catskill village	5,825	5,392	5,429
Coeymans town	4,784	4,703	4,146
Coeymans village	2,849	2,722	2,332
Durham town	1,313	1,233	1,223
Greenville town	1,879	1,613	1,477
Halcott town	193	244	273
Hunter town	1,799	2,028	2,166
Hunter village	457	526	626
Tannersville village	580	639	640
Jewett town	562	692	732
Lexington town	698	833	827
New Baltimore town	1,972	1,781	1,489
Prattsville town	790	825	848
Windham town	1,289	1,360	1,369
HAMILTON COUNTY	4,267	4,103	4,186
Arietta town	235	219	183
Benson town	87	85	89
Hope town	234	180	164
Indian Lake town	1,186	1,099	1,257
Inlet town	307	319	310
Lake Pleasant town	718	696	584
Speculator village	372	370	278
Long Lake town	896	896	943
Morehouse town	65	104	91
Wells town	539	507	587
HERKIMER COUNTY	66,370	61,407	59,527
Columbia town	1,327	1,132	931
Danube town	911	847	849
Fairfield town	1,282	1,204	1,095
Middleville village (pt.)	412	431	389
Frankfort town	7,550	6,598	6,247
Frankfort village	3,872	3,844	3,859
German Flatts town	15,742	14,106	13,053
Ilion village	10,199	9,363	8,927
Mohawk village	3,533	3,196	2,882
Herkimer town	11,568	11,239	11,343
East Herkimer (U)	1,068	...	...
Herkimer village	9,396	9,400	9,617
Litchfield town	963	776	779
Little Falls city[13]	8,935	9,341	10,163
Little Falls town[13]	1,188	874	777
Manheim town	3,872	3,897	3,748
Dolgeville village (pt.)	2,873	3,038	3,037
Newport town	1,907	1,626	1,481
Middleville village (pt.)	236	214	213
Newport village	827	752	627
[illegible]	[illegible]	[illegible]	[illegible]

County and minor civil division	1960	1950	1940
JEFFERSON COUNTY	87,835	85,321	84,003
Adams town	3,964	3,629	3,334
Adams village[14]	1,914	1,762	1,594
Alexandria town	3,574	3,583	3,533
Alexandria Bay village	1,383	1,688	1,748
Antwerp town	1,905	1,781	2,187
Antwerp village	881	846	817
Brownville town	3,985	3,806	3,671
Brownville village	1,082	1,013	907
Dexter village	1,009	1,038	1,109
Glen Park village (pt.)	478	303	518
Cape Vincent town	1,736	1,842	1,934
Cape Vincent village	770	812	931
Champion town	3,878	3,499	3,103
West Carthage village	2,167	2,000	1,787
Clayton town	3,733	3,738	3,768
Clayton village	1,996	1,981	1,999
Ellisburg town	3,285	3,116	3,183
Ellisburg village	328	285	253
Rosiere village	446	378	348
Henderson town	1,207	1,171	1,163
Hounsfield town	2,722	2,630	3,137
Sackets Harbor village	1,279	1,247	1,962
Le Ray town	3,627	2,821	2,551
Black River village (pt.)	662	598	535
Brans Mills village[14]	618	518	523
Lorraine town	809	681	782
Lyme town	1,448	1,498	1,462
Clayton village	523	513	534
Orleans town	1,982	1,807	1,664
Pamelia town	1,414	992	855
Glen Park village (pt.)	83	13	5
Philadelphia town	1,297	1,222	1,372
Philadelphia village	868	870	722
Rodman town	765	816	836
Rutland town	2,229	1,925	1,622
Black River village (pt.)	375	464	362
Theresa town	1,635	1,660	1,675
Theresa village	956	925	908
Watertown city[14]	33,306	34,330	33,385
Watertown town[14]	2,482	1,752	1,399
Wilna town	6,809	6,969	7,029
Carthage village	4,216	4,430	4,207
Deferiet village	470	616	630
Herrings village	327	192	232
Worth town	193	253	318
KINGS COUNTY	2,627,319	2,738,175	2,698,285
Brooklyn Borough (pt. of New York City)	2,627,319	2,738,175	2,698,285
LEWIS COUNTY	23,249	22,321	22,815
Croghan town	2,697	2,544	2,557
Croghan village (pt.)	453	432	476
Denmark town	2,214	2,134	1,992
Castorland village	321	308	309
Copenhagen village	673	690	608
Diana town	1,641	1,717	1,871
Harrisville village	842	868	832
Greig town	693	642	747
Harrisburg town	423	480	537
High Market town	95	121	190
Lewis town	587	584	613
Leyden town	1,715	1,622	1,519
Port Leyden village (pt.)	671	660	634
Lowville town	4,635	4,623	4,586
Lowville village[14]	3,616	3,671	3,778
Lyonsdale town	942	873	909
Lyons Falls village (pt.)	71	70	47
Port Leyden village (pt.)	227	181	170
Martinsburg town	1,469	1,387	1,363
Montague town	73	139	329
New Bremen town	1,943	1,729	1,707
Croghan village (pt.)	368	340	325
Osceola town	181	244	281
Pinckney town	387	439	613
Turin town	878	856	859
Turin village	323	273	347
Watson town	781	586	536
West Turin town	1,905	1,781	1,806
Constableville village	439	378	340
Lyons Falls village (pt.)	816	794	771
LIVINGSTON COUNTY	44,053	40,297	38,510
Ayon town	4,404	3,725	3,509
[illegible]	[illegible]	[illegible]	[illegible]

County and minor civil division	1960	1950	1940
LIVINGSTON COUNTY—Con.			
Mount Morris town	4,567	2,836	4,904
Mount Morris village	3,230	3,450	3,330
North Dansville town	6,095	5,755	5,332
Dansville village[14]	5,460	5,253	4,976
Nunda town	2,309	2,272	2,113
Nunda village	1,224	1,224	1,077
Ossian town	489	307	532
Portage town	733	737	945
Sparta town	1,019	971	887
Springwater town	1,293	1,318	1,274
West Sparta town	817	724	688
York town	2,695	2,329	2,287
MADISON COUNTY	54,635	46,224	39,598
Brookfield town	1,990	1,841	1,703
Canaseraga town	4,968	3,989	3,434
Canaseraga village	2,584	1,946	1,689
DeRuyter town	1,290	1,165	1,089
DeRuyter village	627	561	526
Eaton town	3,196	2,854	2,245
Morrisville village	1,304	1,250	666
Fenner town	900	852	794
Georgetown town	639	616	734
Hamilton town	5,438	5,455	3,618
Earlville village (pt.)	634	671	594
Hamilton village[17]	3,348	3,307	1,790
Lebanon town	880	890	914
Lenox town	7,729	6,515	5,770
Oneastota village[18]	4,896	4,458	4,150
Wampsville village	564	379	382
Lincoln town	1,102	934	853
Madison town	1,915	1,615	1,592
Madison village	327	335	300
Nelson town	1,170	993	928
Oneida city	11,677	11,325	10,291
Smithfield town	804	758	630
Stockbridge town	1,574	1,537	1,258
Munnsville village	391	412	297
Sullivan town	9,369	4,905	3,775
Chittenango village[19]	3,180	1,307	885
MONROE COUNTY	586,387	487,632	436,250
Brighton town[16]	27,849	18,036	13,132
Chili town[13]	11,237	5,283	3,392
Clarkson town	2,339	1,912	1,449
Brockport village (pt.)[16]	...	...	...
Gates town[16]	13,755	7,925	4,965
Greece town[13]	48,670	25,308	14,925
Hamlin town	2,755	2,321	2,080
Henrietta town	11,598	3,385	2,728
Henrietta Northeast (U)	6,403	...	...
Irondequoit town[16]	55,337	34,417	23,376
Mendon town	3,902	2,803	2,700
Honeoye Falls village	2,143	1,460	1,274
Ogden town	7,262	3,970	3,435
Spencerport village[16]	2,461	1,595	1,340
Parma town	6,277	4,049	3,387
Hilton village	1,334	1,036	895
Pittsford town	12,601	4,847	3,774
Perinton town	16,314	11,559	10,170
East Rochester village (pt.)[16]	3,214	2,864	2,790
Fairport village[16]	5,307	3,267	4,644
Pittsford town	15,156	9,413	7,741
East Rochester village (pt.)[16]	4,938	4,158	3,901
Pittsford village	1,749	1,668	1,344
Rigo town	2,800	1,906	1,659
Churchville village[16]	1,003	755	601
Rochester city[15]	318,611	332,488	324,975
Rush town	2,555	2,052	1,791
Sweden town	7,224	5,982	4,898
Brockport village (pt.)	5,256	4,748	3,590
Webster town	16,434	7,174	5,320
Webster village[16]	3,060	1,773	1,680
Wheatland town	3,711	2,302	2,323
Scottsville village[16]	1,863	1,025	925
MONTGOMERY COUNTY	57,240	59,594	59,142
Amsterdam city	28,772	32,240	33,329
Amsterdam town	5,400	4,698	3,911
Fort Johnson village	876	930	868
Hagaman village	1,292	1,114	933

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Byron town	1,589	1,381	1,374
Darien town	2,397	1,899	1,687
Elba town	2,280	1,920	1,855
Elba village	739	589	614
Le Roy town	6,779	6,275	5,838
Le Roy village	4,462	4,721	4,413
Oakfield town	3,388	3,041	2,896
Oakfield village[13]	2,070	1,782	1,876
Pavilion town	1,728	1,499	1,361
Pembroke town	3,451	2,866	2,381
Corfu village	616	542	462
Stafford town	2,005	1,395	1,346
Tonawanda Indian Reservation (pt.)	426	410	496
GREENE COUNTY	31,372	28,743	27,926
Ashland town	548	542	366
Athens town	2,804	2,372	2,375
Athens village	1,754	1,345	1,455
Cairo town	2,825	1,944	1,905
Catskill town	9,906	8,575	8,630
Catskill village	5,825	5,392	5,429
Coxsackie town	4,794	4,703	4,346
Coxsackie village	2,849	2,723	2,352
Durham town	1,313	1,235	1,223
Greenville town	1,879	1,613	1,477
Halcott town	193	344	273
Hunter town	1,799	2,028	2,144
Hunter village	457	528	626
Tannersville village	580	639	640
Jewett town	562	692	732
Lexington town	698	833	827
New Baltimore town	1,972	1,781	1,489
Prattsville town	790	825	848
Windham town	1,289	1,380	1,389
HAMILTON COUNTY	4,287	4,105	4,188
Arietta town	235	219	183
Benson town	87	83	89
Hope town	234	180	164
Indian Lake town	1,186	1,099	1,257
Inlet town	307	319	310
Lake Pleasant town	718	696	584
Speculator village	372	370	278
Long Lake town	896	896	943
Morehouse town	65	104	91
Wells town	539	307	367
HERKIMER COUNTY	66,370	61,407	59,527
Columbia town	1,327	1,132	931
Danube town	911	847	849
Fairfield town	1,282	1,204	1,093
Middleville village (pt.)	412	431	399
Frankfort town	7,330	6,598	6,247
Frankfort village	3,872	3,844	3,839
German Flatts town	15,742	14,106	13,053
Ilion village	10,199	9,363	8,927
Mohawk village	3,333	3,196	2,882
Herkimer town	11,568	11,235	11,345
East Herkimer (U)	1,068	...	...
Herkimer village	9,396	9,400	9,617
Litchfield town	963	776	779
Little Falls city[13]	8,935	9,541	10,163
Little Falls town[13]	1,188	874	777
Manheim town	3,872	3,897	3,748
Dolgeville village (pt.)	2,873	3,038	3,097
Newport town	1,907	1,626	1,481
Middleville village (pt.)	236	216	213
Newport village	827	752	627
Poland village (pt.)	160	112	102
Norway town	427	447	386
Ohio town	480	547	460
Russia town	1,761	1,420	1,281
Cold Brook village	372	342	371
Poland village (pt.)	404	399	376
Salisbury town	1,551	1,469	1,319
Schuyler town	1,893	1,169	1,176
Stark town	783	793	858
Warren town	918	956	873
Webb town	1,562	1,308	1,373
Winfield town	1,730	1,462	1,333
West Winfield village	960	832	754
Ellisburg town	3,285	3,116	3,183
Ellisburg village	328	285	253
Mannsville village	446	378	348
Henderson town	1,207	1,171	1,163
Hounsfield town	2,722	2,630	3,137
Sackets Harbor village	1,279	1,267	1,962
Le Ray town	3,627	2,821	2,351
Black River village (pt.)	662	398	535
Brens Mills village[14]	618	318	325
Lorraine town	609	681	782
Lyme town	1,448	1,458	1,462
Chaumont village	523	513	534
Orleans town	1,982	1,807	1,664
Pamelia town	1,414	992	855
Glen Park village (pt.)	83	13	5
Philadelphia town	1,297	1,222	1,372
Philadelphia village	868	870	722
Rodman town	765	816	836
Rutland town	2,229	1,925	1,622
Black River village (pt.)	375	464	362
Theresa town	1,635	1,660	1,673
Theresa village	956	925	908
Watertown city[14]	33,306	34,350	33,385
Watertown town[14]	2,492	1,752	1,395
Wilna town	6,809	6,969	7,029
Carthage village	4,216	4,420	4,207
Deferiet village	470	616	620
Herrings village	4329	192	232
Worth town	193	253	318
KINGS COUNTY	2,627,319	2,738,175	2,698,285
Brooklyn Borough (pt. of New York City)	2,627,319	2,738,175	2,698,285
LEWIS COUNTY	23,249	22,521	22,815
Croghan town	2,697	2,544	2,597
Croghan village (pt.)	433	432	476
Denmark town	2,214	2,154	1,992
Castorland village	321	308	309
Copenhagen village	673	690	808
Diana town	1,641	1,717	1,871
Harrisville village	842	868	832
Greig town	693	642	747
Harrisburg town	423	480	537
High Market town	98	121	190
Leyden town	587	584	413
Lowville town	1,715	1,622	1,519
Lowville village[13]	871	860	824
Lyonsdale town	4,635	4,623	4,586
Lyons Falls village (pt.)	3,816	3,872	3,978
Port Leyden village (pt.)	942	873	909
Martinsburg town	71	70	47
Montague town	227	181	170
New Bremen town	1,469	1,387	1,363
Croghan village (pt.)	73	139	329
Osceola town	1,963	1,729	1,707
Pinckney town	368	340	325
Turin town	181	244	281
Turin village	377	439	613
Watson town	878	836	859
West Turin town	323	273	247
Constableville village	781	586	536
Lyons Falls village (pt.)	1,905	1,781	1,806
LIVINGSTON COUNTY	44,053	40,257	38,510
Avon town	4,404	3,725	3,309
Avon village	2,772	2,412	2,339
Caledonia town	3,087	2,529	2,009
Caledonia village[13]	1,917	1,683	1,226
Conesus town	1,221	809	809
Geneseo town	4,337	3,782	3,133
Geneseo village	3,284	2,838	2,144
Groveland town	3,373	3,381	4,135
Leicester town	1,392	1,350	1,371
Leicester village	365	364	327
Lima town	2,716	2,336	1,986
Lima village[13]	1,366	1,147	942
Livonia town	3,326	2,896	2,396
Livonia village[13]	946	837	751
Canajoharie town	4,986	3,989	3,426
Canaseraga village	2,986	1,946	1,689
Dalhousie town	1,890	1,185	1,089
Dalhousie village	637	381	326
Eaton town	3,196	2,834	2,265
Morrisville village	1,304	1,250	666
Fenner town	900	852	784
Georgetown town	633	616	734
Hamilton town	5,438	5,455	3,618
Earlville village (pt.)	634	671	584
Hamilton village	3,348	3,307	1,790
Lebanon town	880	880	914
Lenox town	7,729	6,315	5,770
Canastota village[13]	4,896	4,458	4,130
Chapinville village	584	379	282
Lincoln town	1,102	934	853
Madison town	1,815	1,615	1,392
Madison village	327	335	300
Nelson town	1,170	993	928
Oneida city	11,677	11,325	10,291
Smithfield town	804	758	830
Stockbridge town	1,574	1,537	1,258
Munnsville village	391	412	397
Sullivan town	9,389	4,905	3,773
Chittenango village	3,180	1,307	885
MONROE COUNTY	389,387	487,632	438,330
Brighton town[13]	27,849	18,036	13,132
Chili town[13]	11,237	5,283	3,392
Clarkson town	2,339	1,912	1,449
Brockport village (pt.)[13]	...	...	...
Gates town[13]	13,735	7,925	4,965
Greece town[13]	48,670	25,308	14,925
Hamlin town	2,755	2,321	2,080
Henrietta town	11,598	5,385	2,728
Henrietta Northeast (U)	6,403	...	...
Irondequoit town[13]	55,337	34,417	23,376
Mendon town	3,902	2,903	2,700
Honeoye Falls village	2,143	1,460	1,274
Ogden town	7,262	3,970	3,435
Spencerport village[13]	2,461	1,395	1,340
Parma town	6,277	4,049	3,387
Hilton village	1,334	1,036	895
Penfield town	12,601	4,849	3,774
Perinton town	16,314	11,599	10,170
East Rochester village (pt.)[13]	3,214	2,864	2,780
Fairport village[13]	5,307	5,287	4,644
Pittsford town	15,156	9,413	7,741
East Rochester village (pt.)[13]	4,938	4,136	3,901
Pittsford village	1,749	1,868	1,544
Rigs town	2,800	1,906	1,669
Churchville village[13]	1,003	733	601
Rochester city[13]	318,611	332,488	326,975
Rush town	2,555	2,052	1,791
Sweden town	7,224	5,982	4,698
Brockport village (pt.)	5,256	4,048	3,390
Webster town	16,434	7,174	5,320
Webster village[13]	3,060	1,773	1,680
Wheatland town	3,711	2,502	2,323
Scottsville village[13]	1,863	1,025	925
MONTGOMERY COUNTY	37,240	39,594	39,142
Amsterdam city	28,772	32,240	33,329
Amsterdam town	5,400	4,698	3,911
Fort Johnson village	876	930	868
Hagaman village	1,292	1,114	933
Canajoharie town	4,233	4,294	4,082
Ames village	162	193	180
Canajoharie village[13]	2,681	2,761	2,977
Fort Plain village (pt.)	...	9	7
Charleston town	546	573	609
Florida town	2,168	2,032	1,848
Glen town	1,734	1,742	1,754
Fultonville village	813	840	806
Minden town	4,560	4,636	4,376
Fort Plain village (pt.)	2,809	2,928	2,763
Mohawk town	3,070	2,680	2,733
Fonda village	1,004	1,026	1,123

[fol. 32r]

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4 The revised population total for Herrings is 171. This error was discovered too late for correction in the detailed distributions.

The figure in the table includes population for an area misclassified as inside, rather than outside, the village limits.

See other footnotes at end of table, p. 20.

Table 6.—AREA AND POPULATION OF COUNTIES, URBAN AND RURAL: 1960 AND 1950

(Minus sign (–) denotes decrease. Percent not shown where less than 0.1)

County	Map reference	Land area in square miles, 1960	1960 population									1950 population			Percent increase, 1950 to 1960		
			Total		Urban				Rural			Total	Urban	Rural	Total	Urban	Rural
			Number	Per square mile	Total	Percent of total population	Urbanized areas	Other urban territory	Total	Places of 1,000 to 2,500	Other rural territory						
The State	...	47,939	16,782,304	350.1	14,331,925	85.4	12,918,455	1,413,470	2,450,379	309,250	2,141,129	14,830,192	12,682,446	2,147,746	13.2	13.0	14.1
Albany	F-10	531	272,926	514.0	228,010	83.5	228,010	...	44,916	5,003	39,913	239,386	198,117	41,269	14.0	15.1	8.8
Allegany	F-3	1,048	43,978	42.0	8,774	20.0	...	8,774	35,204	6,978	28,226	43,784	6,402	37,382	0.4	37.1	-5.8
Bronx	J-10	43	1,424,815	33,135.2	1,424,815	100.0	1,424,815	...	...	...	...	1,451,277	1,451,277	...	-1.8	-1.8	...
Broome	F-7	710	212,661	299.5	158,141	74.4	158,141	...	54,520	3,262	51,258	184,698	144,011	40,687	15.1	9.8	34.0
Cattaraugus	F-2	1,335	80,187	60.1	32,621	40.7	...	32,621	47,566	10,590	36,976	77,901	33,966	43,935	2.9	-4.0	-8.3
Cayuga	E-6	699	73,942	105.8	35,249	47.7	...	35,249	38,693	7,631	31,062	70,136	36,722	33,414	5.4	-4.0	15.8
Chautauqua	G-1	1,080	145,377	134.6	82,964	57.1	...	82,964	62,413	7,412	55,001	135,189	81,492	53,697	7.5	1.8	16.2
Chemung	G-3	412	98,706	239.6	73,870	74.8	...	73,870	24,836	...	24,836	86,827	62,164	24,663	13.7	18.8	0.7
Chenango	F-7	908	43,243	47.6	9,175	21.2	...	9,175	34,068	8,913	25,155	39,138	8,816	30,322	10.5	4.1	12.4
Clinton	A-10	1,059	72,722	68.7	25,007	34.4	...	25,007	47,715	5,835	41,880	53,622	21,860	31,762	35.6	14.4	30.2
Columbia	F-10	643	47,322	73.6	11,075	23.4	...	11,075	36,247	7,531	28,716	43,182	11,629	31,553	9.6	-4.8	14.9
Cortland	F-6	502	41,113	81.9	22,803	55.5	...	22,803	18,310	2,355	15,955	37,158	21,396	15,762	10.6	6.6	16.2
Delaware	G-8	1,470	43,340	29.6	9,012	20.7	...	9,012	34,328	6,141	28,187	44,420	8,762	35,658	-2.0	2.9	-3.2
Dutchess	G-10	816	176,008	215.7	73,642	41.8	...	73,642	102,366	13,102	89,264	136,781	63,899	72,882	28.7	15.2	40.5
Erie	E-2	1,054	1,064,688	1,010.1	932,527	87.6	901,597	30,930	132,161	13,132	119,029	899,238	790,602	108,636	18.4	18.0	21.7
Essex	B-10	1,826	35,300	19.3	8,346	23.6	...	8,346	26,954	5,061	21,893	35,086	8,372	26,714	0.6	-0.3	0.9
Franklin	A-9	1,685	44,742	26.6	18,578	41.5	...	18,578	26,164	1,097	25,067	44,830	19,999	24,831	-0.2	-7.1	5.4
Fulton	D-9	497	51,304	103.2	32,316	63.0	...	32,316	18,988	2,394	16,594	51,021	34,723	16,298	0.6	-6.9	16.5
Genesee	E-3	501	53,994	107.8	22,872	42.4	...	22,872	31,122	2,070	29,052	47,384	22,520	25,064	13.5	1.6	24.2
Greene	F-10	653	31,372	48.0	8,674	27.6	...	8,674	22,698	1,754	20,944	28,745	8,114	20,631	9.1	6.9	10.0
Hamilton	C-8	1,747	4,267	2.4	...	...	...	...	4,267	...	4,267	4,105	...	4,105	3.9	...	3.9
Herkimer	C-8	1,442	66,370	46.0	39,274	59.2	466	38,808	27,096	1,068	26,028	61,407	38,479	22,928	8.1	2.1	18.2
Jefferson	B-8	1,293	87,835	67.9	37,322	42.7	...	37,322	50,313	12,267	38,046	85,521	38,770	46,751	2.7	-3.2	7.6
Kings	J-10	76	2,627,319	34,570.0	2,627,319	100.0	2,627,319	...	...	...	...	2,738,175	2,738,175	...	-4.0	-4.0	...
Lewis	C-7	1,293	23,249	18.0	3,616	15.6	...	3,616	19,633	...	19,633	22,321	3,671	18,650	3.2	-1.5	4.2
Livingston	F-4	638	44,053	69.0	14,766	33.5	...	14,766	29,287	2,507	26,780	40,277	11,541	28,716	9.4	27.9	2.0
Madison	E-7	661	54,635	82.7	25,683	47.0	...	25,683	28,950	1,938	27,012	44,214	19,290	24,924	18.2	33.2	7.5
Monroe	D-4	673	586,387	871.3	508,121	86.7	493,402	14,719	78,266	8,804	69,462	487,632	419,164	68,468	20.3	21.2	14.3
Montgomery	E-9	409	57,240	140.0	34,262	59.9	...	34,262	22,978	4,492	18,486	58,594	37,936	21,658	-4.0	-9.7	6.1
Nassau	J-10	300	1,300,171	4,333.9	1,295,650	99.7	1,295,650	...	4,521	...	4,521	672,765	624,102	48,663	93.3	107.6	-90.7
New York	J-10	22	1,698,281	77,194.6	1,698,281	100.0	1,698,281	...	...	...	...	1,960,101	1,960,101	...	-13.4	-13.4	...
Niagara	D-2	533	242,269	454.5	179,216	74.0	152,773	26,443	63,053	7,688	55,365	189,992	147,484	42,508	27.5	21.5	48.3
Oneida	D-7	1,227	264,401	215.5	192,929	73.0	187,313	5,616	71,472	9,022	62,450	222,855	159,009	63,846	18.6	21.3	11.9
Onondaga	D-6	792	423,028	534.1	342,192	80.9	333,286	8,906	80,836	3,087	77,749	341,719	272,405	69,314	23.8	25.6	16.6
Ontario	E-4	649	68,070	104.9	26,656	39.2	...	26,656	41,414	8,983	32,431	60,172	25,476	34,696	13.1	4.6	19.4
Orange	H-9	829	183,734	221.6	93,139	50.7	...	93,139	90,595	16,625	73,970	152,255	81,142	71,113	20.7	14.8	27.4
Orleans	D-3	396	34,159	88.3	11,863	34.7	...	11,863	22,296	1,788	20,508	29,832	11,029	18,803	14.5	7.6	18.6
Oswego	D-7	968	86,118	89.0	36,416	42.3	...	36,416	49,702	6,129	43,573	77,181	36,569	40,612	11.6	-0.4	22.4
Otsego	E-9	1,013	51,942	51.3	15,965	30.7	...	15,965	35,977	4,652	31,325	50,763	16,291	34,472	2.3	-2.0	4.4
Putnam	H-10	235	31,722	135.0	3,067	9.7	332	2,735	28,655	5,134	23,521	20,307	...	20,307	56.2	...	41.1
Queens	J-10	113	1,809,578	16,014.0	1,809,578	100.0	1,809,578	...	...	...	...	1,550,849	1,550,849	...	16.7	16.7	...
Rensselaer	E-11	665	142,585	214.4	92,147	64.6	88,134	4,023	50,438	4,325	46,113	132,607	94,396	38,211	7.5	-2.4	32.0
Richmond	J-9	60	221,991	3,699.9	221,991	100.0	221,991	...	...	...	...	191,555	191,555	...	15.9	15.9	...
Rockland	I-10	178	136,803	768.6	103,930	76.0	87,244	16,686	32,873	...	32,873	89,276	43,551	45,725	53.2	138.6	-28.1
St. Lawrence	A-8	2,767	111,239	40.2	49,357	44.4	...	49,357	61,882	3,553	58,329	98,897	46,089	52,808	12.5	7.1	17.2
Saratoga	D-10	814	89,096	109.5	42,911	48.2	7,137	35,774	46,185	4,867	41,318	74,869	40,075	34,794	19.0	7.1	32.7
Schenectady	E-10	209	152,896	731.6	132,176	86.4	132,176	...	20,720	...	20,720	142,497	121,480	21,017	7.3	8.8	-1.4
Schoharie	F-9	625	22,616	36.2	3,471	15.3	...	3,471	19,145	2,485	16,660	22,703	3,208	19,495	-0.4	8.2	-1.8
Schuyler	F-5	331	15,044	45.5	2,813	18.7	...	2,813	12,231	1,533	10,698	14,182	3,052	11,130	6.1	-7.8	9.9
Seneca	E-5	330	31,984	96.9	12,537	39.2	...	12,537	19,447	...	19,447	29,253	11,072	18,181	9.3	13.2	7.0
Steuben	F-4	1,408	97,691	69.4	42,459	43.5	...	42,459	55,232	8,928	46,304	91,439	40,774	50,665	6.8	4.1	9.0
Suffolk	J-11	922	666,784	723.2	481,841	72.3	324,867	156,974	184,943	37,365	147,578	276,129	121,883	154,246	141.5	295.3	19.9
Sullivan	G-8	986	43,272	43.9	9,926	22.9	...	9,926	33,346	4,404	30,942	40,731	8,881	31,850	11.1	11.8	11.0
Tioga	F-6	525	37,802	72.0	11,367	30.1	...	11,367	26,435	1,234	25,201	30,166	11,387	18,779	25.3	-0.2	40.8
Tompkins	F-6	491	66,164	134.8	31,587	47.7	...	31,587	34,577	5,154	29,423	59,122	29,257	29,865	11.9	8.0	15.8
Ulster	G-9	1,143	118,804	103.9	49,850	42.0	...	49,850	68,954	5,130	63,824	92,621	39,984	52,637	28.3	24.7	31.0
Warren	C-9	883	44,002	49.8	21,305	48.4	...	21,305	22,697	3,266	19,431	39,205	19,610	19,595	12.2	8.6	15.8
Washington	D-10	837	48,476	57.9	18,220	37.6	...	18,220	30,256	5,087	25,169	47,144	18,316	28,828	2.8	-0.5	5.0
Wayne	D-5	607	67,989	112.0	23,710	34.9	...	23,710	44,279	4,976	39,303	57,323	17,546	39,777	18.6	35.1	11.3
Westchester	I-10	435	808,891	1,859.5	749,529	92.7	745,953	3,576	59,362	5,754	53,608	625,816	577,601	48,215	29.3	29.8	23.1
Wyoming	E-3	598	34,793	58.2	11,040	31.7	...	11,040	23,753	3,076	20,677	32,822	10,922	21,900	6.0	1.1	8.5
Yates	E-5	344	18,814	54.1	5,770	31.0	...	5,770	12,844	1,468	11,376	17,615	5,481	12,134	6.7	5.3	5.9

[fol. 32s]

Table 7.—POPULATION OF COUNTIES, BY MINOR CIVIL DIVISIONS: 1940 TO 1960

["U" denotes an unincorporated place. For changes in boundaries, etc., between 1940 and 1960, see table 6 for this State in *U. S. Census of Population: 1960*, Vol. I or II. Total population of a place located in 2 or more minor civil divisions appears in table 8. Minor civil division figures for 1960 and 1940 do not necessarily add to county totals]

County and minor civil division	1960	1950	1940
ALBANY COUNTY	272,426	239,386	221,315
Albany city	129,726	134,995	130,577
Berne town	1,542	1,348	1,325
Bethlehem town	18,936	13,065	9,782
Coeymans town	5,622	4,713	4,536
Ravena village[1]	2,410	2,006	1,810
Cohoes city	20,129	21,272	21,935
Colonie town	52,760	29,522	20,631
Colonie village[1]	6,992	2,068	1,407
Menands village[1]	2,314	2,453	1,764
Green Island town	3,533	4,016	3,988
Green Island village	3,533	4,016	3,988
Guilderland town	16,710	7,284	5,522
Altamont village	1,365	1,127	890
Knox town	1,320	1,172	980
New Scotland town	3,818	3,936	3,302
Voorheesville village[1]	1,228	895	717
Rensselaerville town	1,232	1,310	1,285
Watervliet city	13,917	15,197	16,114
Westerlo town	1,681	1,936	1,938
ALLEGANY COUNTY	43,978	43,784	39,681
Alfred town	3,730	2,862	1,410
Alfred village	2,807	2,053	694
Allen town	306	347	416
Alma town	871	931	780
Almond town	1,373	1,331	1,234
Almond village (pt.)	665	636	511
Amity town	2,006	1,997	1,935
Belmont village	1,146	1,211	1,146
Andover town	1,801	1,973	1,996
Andover village	1,347	1,351	1,290
Angelica town	1,335	1,390	1,410
Angelica village	898	928	928
Belfast town	1,265	1,277	1,213
Birdsall town	160	249	308
Bolivar town	2,441	2,680	2,638
Bolivar village	1,405	1,490	1,344
Richburg village (pt.)	78	93	111
Burns town	1,238	1,185	1,187
Canaseraga village	730	693	698
Canaseraga town	1,911	1,845	1,089
Centerville town	491	543	559
Clarksville town	840	825	786
Cuba town	3,116	2,784	2,507
Cuba village	1,949	1,783	1,699
Friendship town	2,020	2,182	1,932
Friendship village	1,231	1,344	1,148
Genesee town	1,193	1,134	1,188
Granger town	429	455	484
Grove town	469	566	568
Hume town	1,724	1,660	1,377
Fillmore village	522	527	518
Independence town	1,004	1,053	1,110
New Hudson town	612	618	601
Rushford town	995	935	967
Scio town	1,513	1,511	1,193
Ward town	234	239	250
Wellsville town	8,278	8,355	7,641
Wellsville village[1]	5,967	6,402	5,042
West Almond town	293	320	390
Willing town	1,208	1,089	836
Wirt town	1,117	1,243	1,348
Richburg village (pt.)	415	421	453
BRONX COUNTY	1,424,815	1,451,277	1,394,711
Bronx Borough (pt. of New York City)	1,424,815	1,451,277	1,394,711
BROOME COUNTY	212,661	184,698	165,749
Barker town	1,683	1,436	1,223
Binghamton city[3]	75,941	80,674	78,309
Binghamton town	3,475	2,073	1,576
Chenango town	9,858	5,747	3,265
Colesville town	3,773	3,064	2,652
Conklin town	4,347	2,872	2,156
Dickinson town[3]	6,591	4,451	3,060
Delaware village	398	430	508
Glenville town	25,707	17,912	13,343
Scotia village	7,625	7,612	7,960
Niskayuna town	14,032	9,442	6,348
Princetown town	912	774	553
Rotterdam town	27,493	19,762	12,560
Rotterdam (U)	16,871	...	...
Schenectady city	81,682	91,785	87,549
SCHOHARIE COUNTY	22,616	22,703	20,812
Blenheim town	345	378	419
Broome town	517	635	768
Carlisle town	900	1,010	917
Cobleskill town	4,964	4,709	4,005
Cobleskill village	3,471	3,208	2,617
Conesville town	593	626	673
Esperance town	1,232	1,128	887
Esperance village	314	322	219
Fulton town	1,008	1,050	1,010
Gilboa town	782	943	1,061
Jefferson town	800	819	845
Middleburg town	2,437	2,460	2,113
Middleburg village	1,317	1,298	1,074
Richmondville town	1,746	1,728	1,503
Richmondville village	743	709	598
Schoharie town	3,063	2,777	2,417
Schoharie village	1,168	1,099	941
Seward town	1,210	1,224	1,146
Sharon town	1,405	1,463	1,476
Sharon Springs village	351	361	433
Summit town	704	850	790
Wright town	910	903	788
SCHUYLER COUNTY	15,044	14,182	12,979
Catharine town	1,605	1,399	1,284
Odessa village (pt.)[31]	530	526	426
Cayuta town	538	459	311
Dix town	3,916	3,871	3,739
Montour Falls village (pt.)	...	5	...
Watkins Glen village (pt.)	2,438	2,682	2,644
Hector town	3,209	3,129	2,949
Burdett village	420	432	408
Montour town	2,182	1,985	1,774
Montour Falls village (pt.)	1,533	1,452	1,345
Odessa village (pt.)[31]	43	...	...
Orange town	1,047	890	693
Reading town	1,410	1,373	1,205
Watkins Glen village (pt.)	375	370	269
Tyrone town	1,137	1,076	1,024
SENECA COUNTY	31,984	29,253	25,732
Covert town	1,965	1,843	1,633
Interlaken village	780	770	661
Fayette town	2,825	2,557	2,383
Waterloo village (pt.)	703	678	620
Junius town	871	846	738
Lodi town	1,287	1,118	1,051
Lodi village	396	362	366
Ovid town	3,097	3,442	3,200
Ovid village (pt.)[32]	762	646	578
Romulus town	3,509	4,263	2,865
Ovid village (pt.)[32]	27	...	...
Seneca Falls town	9,264	7,845	7,352
Seneca Falls village	7,439	6,634	6,452
Tyre town	815	729	724
Varick town	1,480	1,086	1,056
Waterloo town	6,891	5,534	4,730
Waterloo village (pt.)	4,395	3,760	3,390
STEUBEN COUNTY	97,691	91,439	84,927
Addison town	2,645	2,368	2,032
Addison village	2,185	1,920	1,617
Avoca town	2,041	1,755	1,789
Avoca village[33]	1,086	952	1,006
Bath town	11,978	10,926	9,354
Bath village	6,166	5,416	4,696
Savona village	906	869	653
Bradford town	558	510	486
Cameron town	587	688	664
Campbell town	2,471	1,814	1,472
Canisteo town	3,652	3,568	3,381
Canisteo village	2,731	2,625	2,550
Caton town	1,359	1,199	976
Cohocton town	2,451	2,418	2,474
Cohocton village	929	943	931
Corning city[33]	17,085	17,684	16,212
Corning town[33]	6,732	4,275	3,152
Riverside village[33]	1,030	818	663
South Corning village[33]	1,448	880	681
Almond village (pt.)	31	23	22
Arkport village	837	701	618
North Hornell village	917	605	589
Howard town	939	902	893
Jasper town	1,008	983	967
Lindley town	1,313	1,043	961
Prattsburg town	1,448	1,353	1,364
Prattsburg village	690	613	635
Pulteney town	1,106	1,138	957
Rathbone town	726	741	699
Thurston town	619	719	607
Troupsburg town	1,074	1,092	1,131
Tuscarora town	1,043	989	859
Urbana town	2,592	2,430	2,322
Hammondsport village[33]	1,176	1,190	1,112
Wayland town	3,383	3,178	3,078
Wayland village	2,003	1,834	1,795
Wayne town	715	581	577
West Union town	430	504	630
Wheeler town	766	653	690
Woodhull town	1,224	1,255	1,292
Woodhull village	321	332	339
SUFFOLK COUNTY	666,784	276,129	197,355
Babylon town	142,309	45,556	26,297
Amityville village	8,318	6,164	5,058
Babylon village	11,062	6,015	4,742
Copiague (U)	14,081	...	...
Deer Park (U)	16,726	...	...
Lindenhurst village	20,905	8,644	4,796
Brookhaven town	109,900	44,522	32,117
Belle Terre village	295	120	89
Bellport village	2,461	1,449	650
Centereach (U)	8,524	...	...
Center Moriches (U)	2,521	1,761	...
East Moriches (U)	1,210	...	...
East Setauket (U)	1,127	...	...
Farmingville (U)	2,134	...	...
Holbrook (U) (pt.)	2,309	...	...
Lake Ronkonkoma (U) (pt.)	2,158	...	...
Mastic Beach (U)	3,005	1,079	...
Mastic Shirley (U)	3,397	...	...
Old Field village	373	238	123
Patchogue village[34]	8,838	7,361	7,181
Poquott village	295	136	73
Port Jefferson (U)	2,336	3,296	...
Port Jefferson Station (U)	1,041	...	...
Rocky Point (U)	2,261	...	...
Ronkonkoma (U)	4,220	...	...
Selden (U)	1,604	1,743	...
Setauket (U)	1,207	...	...
Shoreham village[34]	164	90	25
Sound Beach (U)	1,625	...	...
Stony Brook (U)	3,548	...	...
East Hampton town	8,827	6,329	6,528
Amagansett (U)	1,095	...	...
East Hampton village	1,772	1,737	1,726
Freetown (U)	1,365	...	...
Sag Harbor village (pt.)	874	915	932
Huntington town	126,221	47,506	31,768
Asharoken village	253	116	48
Centerport (U)	3,628	...	...
Cold Spring Harbor (U)	1,705	...	...
Commack (U) (pt.)	6,247	...	...
East Northport (U)	8,381	3,842	...
Greenlawn (U)	5,422	1,000	...
Halesite (U)	2,857	...	...
Huntington (U)	11,255	9,324	...
Huntington Bay village	1,267	585	408
Huntington Station (U)	23,438	9,924	...
Lloyd Harbor village	2,521	945	603
Northport village	5,972	3,859	3,093
South Huntington (U)	7,084	1,274	...
Vernon Valley (U)	5,998	...	...
Islip town	172,959	71,465	51,182
Brentwood (U)	15,387	2,803	...
Brightwaters village	3,193	2,336	1,562
Holbrook (U) (pt.)	1,052	...	...
Lake Ronkonkoma (U) (pt.)	1,577	...	...
Ocean Beach village	111	73	81
Ronkonkoma West (U)	1,446	...	...
Saltaire village	28	21	22
Lake Ronkonkoma (U) (pt.)	1,106	...	...
Nesconset (U)	1,964	...	...
Nissequogue village	332	219	188
St. James (U)	3,524	1,390	...
San Remo (U)	11,996	...	...
Smithtown Branch (U)	1,986	1,424	...
Village of the Branch village	886	163	185
Southampton town	26,861	16,830	15,295
Flanders (U)	1,248	...	...
Hampton Bays (U)	1,431	1,269	...
North Haven village	430	153	131
Quogue village	692	623	633
Sag Harbor village (pt.)	1,472	1,458	1,365
Southampton village	4,582	4,042	3,818
Westhampton Beach village	1,460	1,087	969
Southold town	13,295	11,632	12,046
Greenport village	2,608	3,028	3,259
Mattituck (U)	1,274	1,08	...
Shinnecock Indian Reservation	234	183	156
SULLIVAN COUNTY	45,272	40,731	37,901
Bethel town	2,366	2,351	2,321
Callicoon town	2,176	2,134	2,092
Jeffersonville village	434	450	403
Cochecton town	1,070	1,136	1,189
Delaware town	2,141	2,085	1,934
Fallsburgh town	6,748	6,321	5,682
South Fallsburgh (U)	1,290	1,147	...
Woodridge village	1,034	951	854
Forestburg town	356	364	389
Fremont town	1,067	1,170	1,251
Highland town	1,138	1,140	1,038
Liberty town	8,676	7,979	7,235
Liberty village[33]	4,704	4,658	3,788
Lumberland town	538	494	490
Mamakating town	3,356	2,632	2,407
Bloomingburgh village	303	263	197
Wurtsboro village	655	628	487
Neversink town	1,565	1,465	1,494
Rockland town	4,216	3,502	3,305
Livingston Manor (U)	2,080	...	...
Thompson town	8,792	6,912	6,054
Monticello village[33]	5,222	4,223	3,737
Tusten town	1,087	1,042	950
TIOGA COUNTY	37,802	30,166	27,072
Barton town	8,365	8,017	7,166
Waverly village	5,950	6,037	5,450
Berkshire town	953	912	861
Candor town	3,488	2,879	2,601
Candor village	956	802	661
Newark Valley town	2,880	2,384	2,210
Newark Valley village	1,234	1,027	949
Nichols town	1,998	1,685	1,481
Nichols village	863	578	541
Owego town	14,710	9,941	8,717
Owego village	5,417	5,350	5,068
Richford town	804	787	794
Spencer town	1,290	1,561	1,462
Spencer village	761	694	615
Tioga town	2,814	2,000	1,782
TOMPKINS COUNTY	66,164	39,122	42,340
Caroline town	2,118	1,900	1,737
Danby town	2,099	1,555	1,253
Dryden town	7,353	5,806	3,947
Dryden village	1,263	976	747
Freeville village	471	373	379
Enfield town	1,573	1,316	1,082
Groton town	4,469	4,266	3,879
Groton village	2,123	2,150	2,087
Ithaca city[34]	28,799	29,257	19,730
Ithaca town[34]	9,072	7,282	3,821
Cayuga Heights village[34]	2,788	1,131	651
Lansing town	4,221	3,195	2,786
Newfield town	2,193	1,891	1,521
Ulysses town	4,307	3,474	2,584
Trumansburg village	1,768	1,479	1,130
ULSTER COUNTY	118,804	92,621	87,017
Denning town	215	233	300
Esopus town	6,597	4,738	4,220
Port Ewen (U)	2,622	1,885	...
Gardiner town	1,660	1,289	1,317

[fol. 32l]

[fol. 32m]

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Green Island village	3,533	4,016	3,988
Guilderland town	16,710	7,284	5,522
Altamont village	1,365	1,127	890
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Binghamton city[1]	75,941	80,674	78,309
Binghamton town	3,475	2,073	1,376
Chenango town	9,858	5,747	3,263
Colesville town	3,773	3,064	2,652
Conklin town	4,347	2,872	2,156
Dickinson town[1]	6,591	5,450	5,060
Port Dickinson village	2,295	2,199	2,436
Fenton town	5,920	4,168	2,732
Kirkwood town	4,651	2,997	2,1[illegible]
Lisle town	1,587	1,334	1,317
Lisle village	335	306	342
Maine town	3,731	2,315	2,076
Nanticoke town	794	627	346
Sanford town	2,489	2,416	2,502
Deposit village (pt.)	1,187	1,134	1,252
Triangle town	2,019	1,733	1,375
Whitney Point village	1,049	882	733
Union town	64,423	55,676	50,195
Endicott village	18,775	20,050	17,702
Johnson City village	19,118	19,249	18,034
Vestal town	16,806	8,902	5,710
Windsor town	4,393	2,974	2,625
Windsor village	1,026	822	766
Boston town	596	727	643
East Otto town	701	743	732
Elko town	73	95	125
Ellicottville town	1,968	1,830	1,790
Ellicottville village	1,150	1,073	1,034
Farmersville town	721	733	778
Franklinville town	3,090	3,055	2,762
Franklinville village	2,124	2,092	1,884
Freedom town	1,059	1,031	947
Great Valley town	1,408	1,375	1,215
Hinsdale town	1,538	1,240	1,079
Humphrey town	415	367	424
Ischua town	562	622	503
Leon town	808	738	755
Little Valley town	1,737	1,724	1,401
Little Valley village	1,244	1,287	1,234
Lyndon town	406	409	391
Machias town	1,390	1,341	1,362
Mansfield town	632	672	620
Napoli town	670	619	570
New Albion town	1,981	1,894	1,747
Cattaraugus village	1,258	1,190	1,145
Olean city	21,868	22,884	21,506
Olean town	2,268	1,800	1,432
Otto town	715	685	642
Perrysburg town	1,897	1,907	1,805
Perrysburg village	434	361	375
Persia town	2,756	2,615	2,671
Cowanda village (pt.)[2]	2,273	2,221	2,206
Portville town	3,321	3,029	2,993
Portville village	1,336	1,151	1,018
Randolph town	2,513	2,535	2,206
East Randolph village (pt.)	393	413	322
Randolph village	1,414	1,455	1,321
Red House town	235	234	299
Salamanca city	8,480	8,861	9,011
Salamanca town	432	355	313
South Valley town	205	238	240
Yorkshire town	2,012	1,633	1,410
Delevan village[2]	777	611	534
Allegany Indian reservation	1,059	1,131	1,151
Cattaraugus Indian reservation (pt.)	262	215	205
CAYUGA COUNTY	73,942	70,136	65,908
Auburn city	35,249	36,722	35,753
Aurelius town	2,600	2,039	1,342
Cayuga village	621	534	472
Brutus town	2,804	2,348	2,188
Weedsport village	1,731	1,588	1,343
Cato town	1,815	1,513	1,458
Cato village (pt.)	138	119	127
Meridian village	379	334	307
Conquest town	1,170	1,103	890
Fleming town	2,071	1,502	1,259
Genoa town	1,794	1,672	1,425
Ira town	1,448	1,473	1,336
Cato village (pt.)	338	312	285
Ledyard town	1,646	1,577	1,322
Aurora village	834	711	372
Locke town	982	811	748
Mentz town	2,105	1,783	1,677
Port Byron village	1,201	1,013	961
Montezuma town	743	769	746
Moravia town	2,406	2,279	1,910
Moravia village	1,575	1,480	1,231
Niles town	943	941	834
Owasco town	3,409	2,543	2,100
Melrose Park (U)	2,058	...	...
Scipio town	1,143	1,202	1,104
Sempronius town	548	572	526
Sennett town	2,283	1,730	1,664
Springport town	1,700	1,534	1,418
Union Springs village	1,066	957	905
Sterling town	2,495	2,050	1,943
Fair Haven village	764	628	471
Summerhill town	667	542	505
Throop town	1,559	1,251	1,083
Venice town	1,203	1,026	1,125
Victory town	1,159	1,154	1,152
CHAUTAUQUA COUNTY	145,377	135,189	123,580
Arkwright town	700	665	688
Busti town	7,766	5,806	4,336
Lakewood village	3,933	3,013	2,314
Carroll town	2,661	2,286	2,386
Frewsburg (U)	1,423	1,383	...
Chautauqua town	1,[illegible]	887	672
Ellery town	3,953	2,852	2,088
Bemus Point village	443	424	290
Ellicott town	10,451	9,265	8,041
Celoron village	1,507	1,555	1,349
Falconer village[3]	3,343	3,292	3,222
Ellington town	1,314	1,142	1,073
French Creek town	906	817	694
Gerry town	1,468	1,347	1,073
Sinclairville village (pt.)	97	110	86
Hanover town	7,301	6,375	5,846
Forestville village	905	786	692
Silver Creek village	3,310	3,068	3,067
Harmony town	1,797	1,736	1,473
Panama village	450	436	374
Jamestown city	41,818	43,354	42,638
Kiantone town	1,254	976	849
Mina town	1,188	1,012	818
North Harmony town	2,132	1,675	1,453
Poland town	2,036	1,949	1,625
Pomfret town	11,459	9,596	7,782
Fredonia village	8,477	7,093	5,738
Portland town	3,605	3,339	2,965
Brocton village	1,416	1,380	1,293
Ripley town	2,848	2,694	2,250
Ripley (U)	1,247	1,229	...
Sheridan town	2,539	2,037	1,826
Sherman town	1,311	1,611	1,101
Sherman village	873	861	675
Stockton town	2,156	1,889	1,631
Cassadaga village	820	676	514
Villenova town	969	888	877
Westfield town	5,488	5,001	4,638
Westfield village	3,878	3,663	3,434
Cattaraugus Indian reservation (pt.)	19	13	27
CHEMUNG COUNTY	98,706	86,827	73,738
Ashland town	1,273	1,188	951
Wellsburg village	643	638	560
Baldwin town	735	557	457
Big Flats town	3,665	2,460	1,832
Catlin town	1,[illegible]	690	715
Chemung town	1,842	1,553	1,363
Elmira city[4]	46,517	49,716	45,106
Elmira town[4]	8,413	6,346	5,290
Elmira Heights village (pt.)	1,374	1,263	1,269
West Elmira (U)	5,763	3,833	...
Erin town	1,175	930	789
Horseheads town	17,808	11,118	8,804
Elmira Heights village (pt.)	3,783	3,746	3,560
Horseheads village[4]	7,207	3,606	2,970
Victory Heights (U)	2,528	1,857	...
Southport town	11,433	9,164	5,774
Elmira Southeast (U)	6,698	...	...
Van Etten town	1,285	1,249	1,055
Van Etten village	507	504	440
Veteran town	2,729	1,856	1,582
Millport village	425	362	340
CHENANGO COUNTY	43,243	39,138	36,454
Afton town	2,245	2,047	1,848
Afton village	936	875	806
Bainbridge town	3,177	2,706	2,410
Bainbridge village	1,712	1,505	1,450
Columbus town	706	655	711
Coventry town	859	796	722
German town	253	245	234
Greene town	4,624	3,712	3,188
Greene village	2,051	1,628	1,431
Guilford town	2,368	2,283	1,884
Lincklaen town	364	341	397
McDonough town	639	709	675
New Berlin town	2,633	2,359	2,112
New Berlin village	1,262	1,178	999
North Norwich town	1,096	875	770
Norwich city	9,175	8,816	8,694
Norwich town	2,587	1,738	1,296
Otselic town	854	896	905
Oxford town	3,457	3,423	3,121
Oxford village	1,871	1,811	1,713
Pharsalia town	515	480	676
Pitcher town	650	636	643
Plymouth town	1,004	858	792
Preston town	753	676	672

See footnotes at end of table, p. 20.

[fol. 32t]

Table 7.—POPULATION OF COUNTIES, BY MINOR CIVIL DIVISIONS: 1940 TO 1960—Con.

["U" denotes an unincorporated place. For changes in boundaries, etc., between 1940 and 1950, see table 6 for this State in *U. S. Census of Population: 1950*, Vol. I or II. Total population of a place located in 2 or more minor civil divisions appears in table 8. Minor civil division figures for 1950 and 1940 do not necessarily add to county totals]

County and minor civil division	1960	1950	1940
MONTGOMERY COUNTY--Con.			
Palatine town	2,556	2,529	2,420
Nellstone village	729	693	638
Palatine Bridge village	578	592	585
Root town	1,263	1,214	1,106
St. Johnsville town	2,958	2,934	2,974
St. Johnsville village	2,196	2,210	2,283
NASSAU COUNTY	1,300,171	672,765	406,748
Glen Cove city	23,817	15,130	12,415
Hempstead town	740,738	432,506	299,318
Baldwin (U)	30,204	...	...
Bellerose village	1,083	1,134	1,317
Bellmore (U)	12,784	...	...
Cedarhurst village[28]	6,954	6,051	5,463
East Meadow (U)	46,036	...	...
East Rockaway village[28]	10,721	7,970	5,610
Elmont (U)	30,138	...	...
Floral Park village (pt.)[28]	15,121	12,183	10,769
Franklin Square (U)	32,483	...	...
Freeport village[28]	34,419	24,680	20,410
Garden City village (pt.)[28]	23,946	14,368	11,223
Hempstead village[28]	34,641	29,135	20,856
Hewlett Bay Park village	520	466	438
Hewlett Harbor village	1,610	411	228
Hewlett Neck village	507	369	252
Inwood (U)	10,362	...	...
Island Park village	3,846	2,031	1,331
Lawrence village	5,907	4,681	3,849
Levittown (U)	65,276	...	...
Lynbrook village	19,881	17,314	14,397
Malverne village[28]	9,968	8,086	5,153
Merrick (U)	18,789	...	...
Mineola village (pt.)	68	27	...
New Hyde Park village (pt.)	4,429	2,747	2,171
North Bellmore (U)	19,639	...	...
North Merrick (U)	12,976	...	...
North Valley Stream (U)	17,239	...	...
Oceanside (U)	30,488	...	...
Rockville Centre village[28]	26,355	22,362	18,613
Roosevelt (U)	12,883	...	...
Seaford (U)	14,718	...	...
South Floral Park village	1,090	572	310
South Westbury (U)	11,977	...	...
Stewart Manor village[28]	2,422	1,879	1,625
Uniondale (U)	20,041	...	...
Valley Stream village	38,678	26,854	16,679
Wantagh (U)	34,172	...	...
West Hempstead-Lakeview (U)	24,793	...	...
Woodmere (U)	16,011	...	...
Woodsburgh village	907	745	702
Long Beach city	26,473	15,286	9,026
North Hempstead town	219,088	142,613	83,345
Baxter Estates village	932	862	790
East Hills village	7,184	2,547	343
East Williston village	2,940	1,734	1,152
Floral Park village (pt.)	2,379	2,399	2,181
Flower Hill village	4,594	1,968	666
Garden City village (pt.)	2	118	...
Garden City Park-Herricks (U)	15,364	...	...
Great Neck village[28]	10,171	7,799	6,167
Great Neck Estates village	3,262	2,466	1,969
Great Neck Plaza village	4,949	4,266	2,031
Kensington village[28]	1,166	978	933
Kings Point village[28]	5,410	2,445	1,267
Lake Success village[28]	2,954	1,264	203
Manorhaven village	3,566	1,319	484
Mineola village (pt.)[28]	20,451	14,804	10,064
Munsey Park village	2,847	2,048	1,456
New Hyde Park village (pt.)	6,379	4,602	2,520
North Hills village[28]	359	330	295
North New Hyde Park (U)	17,929	...	...
Old Westbury village (pt.)	1,756	940	817
Plandome village	1,374	1,102	897
Plandome Heights village	1,025	887	317
Plandome Manor village	705	329	262
Port Washington (U)	15,657	...	...
Port Washington North village[28]	722	650	628
Roslyn village	2,681	1,642	972
Roslyn Estates village	1,289	612	464
Roslyn Harbor village (pt.)	634	316	233
Russell Gardens village	1,434	910	466
New Paltz town	3,841	3,749	2,815
New Paltz village[29]	3,041	2,285	1,492
Olive town	1,999	1,463	1,320
Plattekill town	3,009	2,215	2,082
Rochester town	3,012	2,532	2,434
Rosendale town	4,228	2,950	2,548
Rosendale village	1,033	883	671
Saugerties town	13,608	9,232	8,960
Saugerties village	4,286	3,907	3,916
Shandaken town	2,078	1,887	1,875
Pine Hill village	180	233	242
Shawangunk town	4,604	3,561	3,117
Wallkill (U)	1,215	1,145	...
Ulster town	8,448	4,411	3,993
Lake Katrine (U)	1,149	...	...
Lincoln Park (U)	2,707	1,527	...
Wawarsing town	11,243	9,912	9,260
Ellenville village[29]	5,003	4,225	4,000
Woodstock town	3,836	2,271	1,983
WARREN COUNTY	44,002	39,205	36,035
Bolton town	1,417	1,184	1,310
Caldwell town	2,429	1,621	1,467
Lake George village	1,026	1,005	803
Chester town	1,974	1,927	1,825
Glens Falls city	18,580	19,610	18,836
Hague town	771	761	739
Horicon town	833	791	850
Johnsburg town	2,250	2,076	2,000
Luzerne town	1,830	1,426	1,251
Queensbury town	10,004	5,907	4,199
West Glens Falls (U)	2,725	1,665	...
Stony Creek town	499	479	457
Thurman town	348	329	335
Warrensburg town	2,907	2,894	2,566
Warrensburg (U)	2,240	2,356	...
WASHINGTON COUNTY	48,476	47,144	44,726
Argyle town	1,898	1,801	1,611
Argyle village	355	351	226
Cambridge town	1,610	1,567	1,434
Cambridge village (pt.)	519	546	511
Dresden town	426	433	502
Easton town	1,681	1,649	1,691
Greenwich village (pt.)	322	334	309
Fort Ann town	3,124	3,122	3,653
Fort Ann village	453	463	439
Fort Edward town	6,523	6,213	5,716
Fort Edward village	3,737	3,797	3,620
Granville town	5,015	5,116	5,508
Granville village	2,715	2,826	3,173
Greenwich town	3,949	3,811	3,766
Greenwich village (pt.)	1,941	1,878	1,961
Hampton town	469	576	594
Hartford town	1,058	1,271	1,088
Hebron town	1,026	1,134	1,228
Jackson town	795	857	798
Kingsbury town	11,012	9,503	8,697
Hudson Falls village	7,752	7,236	6,654
Putnam town	490	534	534
Salem town	2,841	2,815	2,815
Argyle village[29]	1,041	1,492	1,492
Whitehall town	3,009	2,215	2,082
Whitehall village	2,196	2,210	2,283
WAYNE COUNTY	35,452	30,943	29,674
Arcadia town	15,836	12,816	12,108
Newark village[29]	12,868	10,293	9,646
Butler town	1,441	1,429	1,411
Wolcott village (pt.)	293	232	170
Galen town	4,419	4,036	3,858
Clyde village	2,693	2,492	2,356
Huron town	1,356	1,409	1,412
Lyons town	6,147	5,379	5,076
Lyons village	4,673	4,217	3,863
Macedon town	3,617	2,560	2,277
Macedon village	645	614	557
Marion town	2,785	2,412	2,240
Ontario town	4,259	3,297	2,851
Palmyra town	6,179	4,934	4,337
Palmyra village	3,476	3,034	2,709
Rose town	2,122	2,013	1,882
Savannah town	1,667	1,494	1,456
Savannah village	602	562	601
Sodus town	6,509	5,706	5,162
Sodus Point village[29]	868	...	...
Sodus village[29]	1,645	1,588	1,513
Walworth town	2,782	2,336	1,956
Williamson town	5,294	4,226	3,700
Williamson (U)	1,690	1,520	...
Wolcott town	3,498	3,276	3,021
Red Creek village	689	617	539
Wolcott village (pt.)	1,368	1,284	1,156
WESTCHESTER COUNTY	808,891	625,816	573,558
Bedford town	14,656	10,888	9,248
Mount Kisco village (pt.)	2,580	2,417	2,441
Cortlandt town	26,336	14,146	11,016
Buchanan village	2,019	1,820	1,600
Croton-on-Hudson village	7,812	4,837	3,843
Eastchester town	33,613	27,174	23,492
Bronxville village	6,744	6,778	6,888
Tuckahoe village	6,423	5,991	6,569
Greenburgh town	76,213	47,527	40,145
Ardsley village[29]	3,991	1,744	1,423
Dobbs Ferry village	9,260	6,268	5,883
Elmsford village	3,795	3,147	3,078
Hastings-on-Hudson village	8,979	7,565	7,037
Irvington village	5,494	3,697	3,272
Tarrytown village	11,109	8,851	6,874
Harrison town	19,201	13,977	11,783
Lewisboro town	4,165	2,352	1,929
Mamaroneck town	29,107	25,103	22,260
Larchmont village	6,789	6,330	5,970
Mamaroneck village (pt.)[29]	10,555	8,851	7,822
Mount Pleasant town	34,955	26,022	24,138
Briarcliff Manor village (pt.)	535	402	383
North Tarrytown village[29]	8,818	8,740	8,804
Pleasantville village[29]	5,877	4,861	4,454
Mount Vernon city	76,010	71,899	67,362
New Castle town	14,388	8,802	7,903
Mount Kisco village (pt.)	4,225	3,490	3,500
New Rochelle city	76,812	59,725	58,408
North Castle town	6,797	3,855	3,306
North Salem town	2,343	1,622	1,194
Peekskill town	2,573	1,234	806
Rye city	14,225	11,721	9,865
Rye town	38,147	32,796	40,135
Mamaroneck village (pt.)	7,118	6,165	5,212
Port Chester village	24,960	23,970	23,073
Scarsdale town	17,968	13,156	12,966
Scarsdale village	17,968	13,156	12,966
Somers town	5,468	3,139	2,406
Lake Shenrock (U)	1,402	...	...
White Plains city	50,485	43,466	40,327
Yonkers city	190,634	152,798	142,598
Yorktown town	16,453	4,731	3,642
Shrub Oak (U)	1,874	...	...
Yorktown (U)	3,376	...	...
Yorktown Heights (U)	2,478	...	...
WYOMING COUNTY	34,793	32,822	31,394
Arcade town	2,861	2,970	2,387
Arcade village	1,930	1,818	1,683
Attica town	5,781	5,722	5,477
Attica village (pt.)[16]	2,758	2,676	2,379
Bennington town	1,983	1,558	1,481
Castile town	2,609	2,361	2,172
Castile village	1,146	1,072	902
Perry village (pt.)	424	348	304
Covington town	827	789	698
Eagle town	896	868	922
Gainesville town	2,032	2,121	1,923
Gainesville village	369	314	283
Silver Springs village	726	830	766
Genesee Falls town	397	436	413
Java town	1,797	1,455	1,364
Middlebury town	1,416	1,248	1,123
Wyoming village	526	508	430
Orangeville town	633	648	699
Perry town	5,372	5,342	5,251
Perry village (pt.)	4,205	4,185	4,164
Pike town	878	885	838
Pike village	345	286	307
Sheldon town	1,898	1,618	1,578
Warsaw town	4,803	4,585	4,452
Warsaw village	3,653	3,713	3,554
Wethersfield town	650	616	616
YATES COUNTY	18,614	17,615	16,381
Barrington town	754	771	782
Benton town	2,092	1,866	1,879
Penn Yan village (pt.)	351	384	279
Italy town	428	455	457
Jerusalem town	2,847	2,732	2,063
Penn Yan village (pt.)	87	7	...
Middlesex town	817	765	764
Milo town	6,965	6,576	6,377
Penn Yan village (pt.)[41]	5,332	5,090	5,029
Potter town	1,106	1,157	1,109
Rushville village (pt.)	306	324	307
Starkey town	2,597	2,345	2,205
Dundee village	1,468	1,165	1,168
Torrey town	1,007	948	765
Dresden village	437	373	257

[1] ALBANY.—Part of Coeymans town annexed to Ravena village. Parts of Colonie town annexed to Colonie and Menands villages. Part of New Scotland town annexed to Voorheesville village.

[2] ALLEGANY.—Part of Wellsville town annexed to Wellsville village.

[3] BROOME.—Part of Dickinson town annexed to Binghamton city and part of Binghamton city detached and area annexed to Dickinson town.

[4] CATTARAUGUS.—Part of Allegany town annexed to Allegany village. Part of Persia town annexed to Gowanda village. Part of Yorkshire town annexed to Delevan village.

[5] CHAUTAUQUA.—Part of Chautauqua town annexed to Mayville village. Part of Dunkirk town annexed to Dunkirk city. Part of Ellicott town annexed to Falconer village.

[6] CHEMUNG.—Part of Elmira town annexed to Elmira city. Part of Horseheads town annexed to Horseheads village.

[7] DELAWARE.—Downsville village disincorporated and area reverted to Colchester town. Part of Sidney town annexed to Sidney village.

[8] DUTCHESS.—Part of Northeast town annexed to Millerton village. Part of Wappinger town annexed to Wappingers Falls village.

[9] ERIE.—Part of Amherst town annexed to Williamsville village. Parts of Hamburg town annexed to Blasdell and Hamburg villages. Part of Newstead town annexed to Akron village. Part of Orchard Park town annexed to Orchard Park village.

[10] ESSEX.—Part of St. Armand town annexed to Saranac Lake village.

[11] FRANKLIN.—Part of Burke village detached and area reverted to Burke town. Part of Malone town annexed to Malone village.

[12] GENESEE.—Parts of Alexander town annexed to Attica and Alexander villages. Part of Batavia town annexed to Batavia city. Part of Oakfield town annexed to Oakfield village.

[13] HERKIMER.—Part of Little Falls town annexed to Little Falls city.

[14] JEFFERSON.—Part of Adams town annexed to Adams village. Part of Le Ray town annexed to Evans Mills village. Part of Watertown town annexed to Watertown city.

[15] LEWIS.—Part of Lowville town annexed to Lowville village.

[16] LIVINGSTON.—Part of Caledonia town annexed to Caledonia village. Part of Lima town annexed to Lima village. Part of Livonia town annexed to Livonia village. Part of North Dansville town annexed to Dansville village.

[17] MADISON.—Part of Hamilton town annexed to Hamilton village. Part of Lenox town annexed to Canastota village. Parts of Sullivan town annexed to Chittenango village.

[18] MONROE.—Parts of Irondequoit, Brighton, Greece, Gates, and Chili towns annexed to Rochester city. Part of Rochester city annexed to Chili town. Part of Clarkson town annexed to Brockport village. Part of Ogden town annexed to Spencerport village. Parts of Perinton and Pittsford towns annexed to East Rochester village. Part of Perinton town annexed to Fairport village. Part of Riga town annexed to Churchville village. Part of Webster town annexed to Webster village. Part of Wheatland town annexed to Scottsville village.

[19] MONTGOMERY.—Part of Canajoharie town annexed to Canajoharie village.

[20] NASSAU.—Parts of Hempstead town annexed to Cedarhurst, East Rockaway, Floral Park, Freeport, Garden City, Hempstead, Hewlett Harbor, Malverne, and Rockville Centre villages. Parts of Garden City village detached and area annexed to Stewart Manor and Hempstead villages and parts of Stewart Manor and Hempstead villages detached and area annexed to Garden City village. Parts of North Hempstead town annexed to Kensington, Lake Success, Mineola, North Hills, and Port Washington North villages and part of North Hills village detached and area reverted to North Hempstead town. Part of Kensington village detached and area annexed to Thomaston village. Part of Kings Point village detached and area annexed to Great Neck village. Parts of Oyster Bay town annexed to Bayville, Brookville, Laurel Hollow, and Mattontown villages.

[21] NIAGARA.—Part of Lockport town annexed to Lockport city. Parts of Niagara town annexed to Niagara Falls city. Part of Porter town annexed to Youngstown village. Part of Royalton town annexed to Middleport village. Part of Somerset town annexed to Barker village. Part of Wilson town annexed to Wilson village. Tonawanda Indian Reservation returned in Erie and Genesee Counties only in 1950.

[fol. 32x]

66

Hempstead town	440,738	432,506	259,318
Baldwin (U)	30,204	...	...
Bellerose village	1,083	1,134	1,117
Bellmore (U)	12,784	...	...
Cedarhurst village[20]	6,954	6,051	5,463
East Meadow (U)	46,036	...	...
East Rockaway village[20]	10,721	7,970	5,610
Elmont (U)	30,138	...	...
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Houlett Neck village	307	369	252
Inwood (U)	10,362	...	...
Island Park village	3,846	2,031	1,531
Lawrence village	5,907	4,681	3,649
Levittown (U)	69,776	...	...
Lynbrook village	19,881	17,314	14,557
Malverne village[20]	9,968	8,084	5,153
Merrick (U)	18,289	...	...
Mineola village (pt.)	68	27	...
New Hyde Park village (pt.)	4,429	2,747	2,171
North Bellmore (U)	19,639	...	...
North Merrick (U)	12,976	...	...
North Valley Stream (U)	17,239	...	...
Oceanside (U)	30,488	...	...
Rockville Centre village[20]	26,355	22,362	18,613
Roosevelt (U)	12,683	...	...
Seaford (U)	14,718	...	...
South Floral Park village	1,090	572	510
South Westbury (U)	11,977	...	...
Stewart Manor village[20]	2,422	1,879	1,625
Uniondale (U)	20,041	...	...
Valley Stream village	38,692	26,854	16,679
Wantagh (U)	34,172	...	...
West Hempstead-Lakeview (U)	26,793	...	...
Woodmere (U)	14,011	...	...
Woodsburgh village	907	745	702
Long Beach city	26,473	15,389	9,036
North Hempstead town	219,088	142,613	83,385
Baxter Estates village	932	862	760
East Hills village	7,184	2,347	363
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Flower Hill village	4,594	1,446	696
Garden City village (pt.)	2	118	...
Garden City Park-Herricks (U)	15,364	...	...
Great Neck village[20]	10,171	7,759	6,167
Great Neck Estates village	3,262	2,464	1,969
Great Neck Plaza village	4,945	4,246	2,031
Kensington village[20]	1,166	978	933
Kings Point village[20]	3,410	2,445	1,267
Lake Success village[20]	2,954	1,284	203
Manorhaven village	3,566	1,319	484
Mineola village (pt.)[20]	22,451	14,804	10,064
Munsey Park village	2,847	2,048	1,456
New Hyde Park village (pt.)	6,379	4,602	2,320
North Hills village[20]	359	330	295
North New Hyde Park (U)	17,929	...	...
Old Westbury village (pt.)	1,756	940	817
Plandome village	1,379	1,102	997
Plandome Heights village	1,025	882	317
Plandome Manor village	705	329	302
Port Washington (U)	15,657	...	...
Port Washington North village[20]	722	650	628
Roslyn village	2,681	1,612	772
Roslyn Estates village	1,289	612	464
Roslyn Harbor village (pt.)	834	316	233
Russell Gardens village	1,159	912	556
Saddle Rock village	1,109	33	69
Sands Point village	2,161	860	628
Thomaston village[20]	42,767	2,045	1,159
Westbury village	14,739	7,112	4,426
Williston Park village	8,255	7,505	5,750
Oyster Bay town	290,358	66,930	42,994
Bayville village[20]	3,962	1,981	1,516
Bethpage-Old Bethpage (U)	20,515	...	...
Brookville village[20]	1,668	377	274
Centre Island village	270	199	134
Cove Neck village	299	203	130
East Massapequa (U)	14,779	...	...
Farmingdale village	6,128	4,492	3,524
Hicksville (U)	50,605	...	...
Old Brookville village	1,126	644	356
Old Westbury village (pt.)	308	220	200
Oyster Bay Cove village	988	561	466
Plainedge (U)	21,973	...	...
Plainview (U)	27,710	...	...
Roslyn Harbor village (pt.)	127	86	70
Sea Cliff village	5,669	4,868	4,416
South Farmingdale (U)	16,318	...	...
Upper Brookville village	1,045	469	456
NEW YORK COUNTY	1,698,281	1,960,101	1,889,924
Manhattan Borough (pt. of New York City)	1,698,281	1,960,101	1,889,924
NIAGARA COUNTY	242,269	189,992	160,110
Cambria town	3,661	2,346	1,925
Hartland town	3,377	2,849	2,527
Middleport village (pt.)	142	125	129
Lewiston town	13,686	6,921	4,448
Lewiston village	3,320	1,526	1,280
Lockport city[21]	26,443	25,133	24,379
Lockport town[21]	6,492	3,945	3,160
Newfane town	8,523	5,801	4,635
Newfane (U)	1,423	1,378	...
Olcott (U)	1,215	...	...
Niagara town[21]	7,303	4,729	2,618
Niagara Falls city[21]	102,394	90,872	78,029
North Tonawanda city	34,757	24,731	20,254
Pendleton town	3,589	1,815	1,316
Porter town	7,309	4,276	3,361
Youngstown village[21]	1,868	932	799
Royalton town	6,585	5,297	4,617
Middleport village (pt.)[21]	1,740	1,516	1,446
Somerset town	2,489	2,227	2,061
Barker village[21]	528	523	462
Wheatfield town	8,008	4,720	3,077
Wilson town	5,319	3,696	3,061
Wilson village[21]	1,320	962	849
Tonawanda Indian Reservation (pt.)[21]	...	...	...
Tuscarora Indian Reservation	1,934	634	462
ONEIDA COUNTY	264,401	222,855	203,636
Annsville town	1,635	1,333	1,217
Augusta town	2,021	1,833	1,900
Oriskany Falls village	972	893	930
Ava town	518	452	520
Boonville town	3,786	3,393	3,301
Boonville village	2,403	2,329	2,076
Bridgewater town	966	806	743
Bridgewater village	373	304	238
Camden town	4,318	3,655	3,096
Camden village	2,694	2,407	2,021
Deerfield town	3,554	1,621	1,147
Florence town	583	510	620
Floyd town	2,234	1,014	828
Forestport town	821	723	730
Kirkland town	7,978	6,104	5,211
Clark Mills (U)	1,148	...	...
Clinton village	1,855	1,630	1,478
Lee town	4,302	1,856	1,482
Marcy town	7,024	5,210	4,528
Marshall town	1,902	1,616	1,541
Waterville village (pt.)	288	270	243
New Hartford town	18,444	11,071	8,109
New Hartford village[22]	2,468	1,947	1,914
New York Mills village (pt.)[22]	1,605	1,380	1,352
Paris town	4,219	3,459	3,093
Clayville village	686	719	711
Sauquoit (U)	2,715	1,227	...
Remsen town	1,128	962	798
Remsen village (pt.)	539	454	394
Rome city	51,646	41,682	34,214
Sangerfield town	2,482	2,143	1,961
Waterville village (pt.)	1,613	1,364	1,269
Steuben town	586	540	581
Trenton town	3,417	2,522	2,099
Holland Patent village	538	430	389
Prospect village	368	318	284
Remsen village (pt.)	28	29	28
Trenton village	363	331	296
Utica city[22]	100,410	101,531	100,518
Vernon town	7,140	5,397	5,124
Oneida Castle village	754	596	556
Sherrill city[22]	2,922	2,230	2,184
Vernon village[22]	913	754	583
ONONDAGA COUNTY	423,028	341,719	295,108
Camillus town	18,328	6,735	4,394
Camillus village[23]	1,416	1,225	1,133
Cicero town	14,725	5,956	4,366
North Syracuse village (pt.)	2,261	1,233	928
Clay town	17,760	7,001	4,050
North Syracuse village (pt.)[23]	5,151	2,125	1,115
De Witt town	22,740	15,329	10,836
East Syracuse village	4,708	4,766	4,320
Elbridge town	4,644	3,338	2,975
Elbridge village[23]	828	586	497
Jordan village	1,390	1,295	1,115
Fabius town	1,565	1,432	1,346
Fabius village	378	369	308
Geddes town	19,679	13,284	11,237
Solvay village	8,732	7,868	8,201
Lafayette town	3,379	2,083	1,550
Lysander town	10,225	6,798	5,207
Baldwinsville village (pt.)[23]	3,696	2,712	2,243
Manlius town	19,351	10,221	7,845
Fayetteville village[23]	4,311	2,624	2,172
Manlius village	1,997	1,742	1,520
Minoa village	1,838	1,008	902
Marcellus town	4,527	3,607	3,046
Marcellus village	1,697	1,382	1,112
Onondaga town[23]	15,429	9,351	6,985
Otisco town	1,188	975	873
Pompey town	3,469	2,531	2,099
Salina town	33,076	19,125	11,168
Liverpool village[23]	3,487	2,933	2,500
Skaneateles town	6,603	5,193	4,639
Skaneateles village	2,921	2,331	1,949
Spafford town	974	829	742
Syracuse city[23]	216,038	220,583	205,967
Tully town	1,633	1,554	1,430
Tully village	803	744	719
Van Buren town	8,754	4,900	3,691
Baldwinsville village (pt.)	2,289	1,783	1,597
Onondaga Indian Reservation	941	894	762
ONTARIO COUNTY	68,070	60,172	55,307
Bristol town	1,002	915	750
Canadice town	558	303	324
Canandaigua city	9,370	8,332	8,321
Canandaigua town	4,894	4,218	3,083
East Bloomfield town	2,297	1,848	1,700
East Bloomfield village[24]	488	425	365
Holcomb village	460	313	304
Farmington town	2,114	1,399	1,453
Geneva city[24]	17,286	17,144	15,595
Geneva town[24]	2,603	1,771	1,436
Gorham town	2,664	2,354	2,027
Rushville village (pt.)	159	141	121
Hopewell town	1,822	1,506	1,456
Manchester town	6,242	5,755	5,252
Clifton Springs village (pt.)	1,495	1,483	1,092
Manchester village	1,344	1,262	1,330
Shortsville village	1,382	1,314	1,316
Naples town	1,955	1,906	1,972
Naples village	1,237	1,141	1,153
Phelps town	5,825	4,890	4,425
Clifton Springs village (pt.)	455	375	320
Phelps village	1,887	1,650	1,499
Richmond town	1,384	959	897
Seneca town	2,698	2,535	1,970
South Bristol town	617	542	581
Victor town	3,295	2,840	2,477
Victor village	1,180	1,066	1,111
West Bloomfield town	1,444	1,155	1,068
ORANGE COUNTY	183,734	152,255	140,113
Blooming Grove town	3,777	2,410	2,312
Washingtonville village[25]	1,178	823	801
Chester town	3,434	2,878	2,776
Chester village[25]	1,492	1,215	1,140
Cornwall town	8,094	6,154	5,299
Cornwall village	2,785	2,211	1,978
Cornwall Southwest (U)	2,824	...	...
Crawford town	2,574	2,410	1,786
Pine Bush (U)	1,016	...	...

Table 7.—POPULATION OF COUNTIES, BY MINOR CIVIL DIVISIONS: 1940 TO 1960—Con.

["U" denotes an unincorporated place. For changes in boundaries, etc., between 1940 and 1950, see table 6 for this State in *U. S. Census of Population:* 1950, Vol. I or II. Total population of a place located in 2 or more minor civil divisions appears in table 8. Minor civil division figures for 1960 and 1940 do not necessarily add to county totals]

County and minor civil division	1960	1950	1940
ORANGE COUNTY—Con.			
Deerpark town	2,777	2,519	2,227
Goshen town	6,835	5,832	5,697
Goshen village[28]	3,906	3,311	3,073
Greenville town	890	737	732
Hamptonburgh town	1,695	1,272	1,086
Maybrook village (pt.)[28]	18	...	...
Highlands town	11,990	10,467	9,307
Highland Falls village[28]	4,469	3,930	3,711
Middletown city[25]	23,475	22,586	21,908
Minisink town	1,433	1,367	1,343
Unionville village	511	454	387
Monroe town	5,965	3,714	3,302
Harriman village (pt.)	718	658	678
Monroe village[28]	3,143	1,753	1,616
Montgomery town	11,672	9,868	8,418
Maybrook village (pt.)[28]	1,330	1,316	1,189
Montgomery village[28]	1,312	1,063	844
Walden village	4,851	4,599	4,262
Mount Hope town	2,291	2,298	1,817
Otisville village	896	911	889
Newburgh city	30,979	31,956	31,883
Newburgh town	15,547	8,686	6,092
Balmville (U)	1,538	...	...
Glenwood Park (U)	1,317	...	...
Winona Lakes (U)	1,655	...	...
New Windsor town	11,908	5,100	3,765
New Windsor (U)	4,041	2,754	...
Port Jervis city	9,268	9,372	9,749
Tuxedo town	2,227	2,281	2,314
Tuxedo Park village[28]	723	...	...
Wallkill town[29]	8,176	5,947	4,753
East Middletown (U)	1,752	1,485	...
Washington Heights (U)	1,231	...	...
Warwick town	12,551	9,828	9,369
Florida village	1,550	1,376	...
Greenwood Lake village	1,236	819	681
Warwick village[28]	3,218	2,674	2,534
Wawayanda town	3,229	2,435	2,218
Woodbury town	2,887	2,138	1,960
Harriman village (pt.)	14	18	25
ORLEANS COUNTY	34,159	29,832	27,760
Albion town	6,416	6,007	5,965
Albion village (pt.)	4,898	4,663	4,506
Barre town	1,922	1,623	1,345
Carlton town	2,600	1,775	1,540
Clarendon town	1,659	1,287	1,176
Gaines town	2,090	1,812	1,667
Albion village (pt.)	284	187	154
Kendall town	1,680	1,343	1,341
Murray town	3,767	3,200	2,764
Holley village	1,788	1,551	1,230
Ridgeway town	6,911	6,217	5,826
Medina village (pt.)[28]	4,010	3,798	3,555
Shelby town	5,051	4,482	3,961
Medina village (pt.)	2,671	2,381	2,316
Yates town	2,063	2,086	1,975
Lyndonville village	755	777	745
OSWEGO COUNTY	86,118	77,181	71,275
Albion town	1,125	1,036	1,094
Altmar village	277	299	304
Amboy town	524	482	493
Boylston town	293	302	365
Constantia town	2,730	1,947	1,538
Cleveland village	732	555	440
Fulton city[27]	14,261	13,922	13,362
Granby town[27]	3,704	2,775	2,220
Hannibal town	2,673	2,230	2,010
Hannibal village	611	501	437
Hastings town	4,457	3,063	2,361
Central Square village	935	665	568
Mexico town	3,435	3,034	2,710
Mexico village	1,465	1,398	1,348
Minetto town	1,290	1,025	1,052
New Haven town	1,478	1,259	1,194
Orwell town	663	752	806
Oswego city	22,135	22,647	22,062
Oswego town	2,796	2,106	1,972
Palermo town	1,663	1,397	1,148
Parish town	1,439	1,264	1,199
Parish village	567	574	521
Redfield town	388	418	517
[illegible]	[illegible]	947	1,[illegible]
OTSEGO COUNTY	51,942	50,763	48,082
Burlington town	809	959	956
Butternuts town	1,352	1,315	1,369
Gilbertsville village	522	456	377
Cherry Valley town	1,156	1,330	1,274
Cherry Valley village	668	760	704
Decatur town	254	279	324
Edmeston town	1,721	1,563	1,580
Exeter town	923	924	760
Hartwick town	1,400	1,473	1,438
Laurens town	1,498	1,447	1,395
Laurens village	291	261	203
Maryland town	1,386	1,556	1,460
Schenevus village	493	568	472
Middlefield town	1,376	1,481	1,992
Cooperstown village (pt.)	97	63	73
Milford town	2,055	1,913	1,666
Milford village	548	502	460
Morris town	1,525	1,440	1,376
Morris village	677	641	599
New Lisbon town	812	877	801
Oneonta city	13,412	13,564	11,731
Oneonta town	4,068	3,508	2,673
West End (U)	1,436	1,283	...
Otego town	2,008	1,769	1,508
Otego village	875	699	580
Otsego town	4,121	4,304	4,074
Cooperstown village (pt.)	2,456	2,664	2,526
Pittsfield town	880	850	796
Plainfield town	764	729	670
Richfield town	2,662	2,339	1,970
Richfield Springs village	1,630	1,534	1,209
Roseboom town	518	570	534
Springfield town	1,121	1,184	1,135
Unadilla town	3,649	2,689	2,277
Unadilla village	1,586	1,317	1,079
Westford town	526	602	685
Worcester town	1,946	2,098	2,098
PUTNAM COUNTY	31,722	20,307	16,555
Carmel town	9,113	5,458	4,195
Mahopac (U)	1,337	...	...
Kent town	3,924	2,146	1,546
Lake Carmel (U)	2,735	...	...
Patterson town	2,853	2,075	1,328
Philipstown town	5,918	4,332	4,246
Cold Spring village	2,083	1,788	1,897
Nelsonville village	555	522	457
Putnam Valley town	3,070	1,908	1,187
Southeast town	6,844	4,388	4,053
Brewster village	1,714	1,810	1,863
QUEENS COUNTY	1,809,578	1,550,849	1,297,634
Queens Borough (pt. of New York City)	1,809,578	1,550,849	1,297,634
RENSSELAER COUNTY	142,585	132,607	121,834
Berlin town	1,329	1,409	1,402
Brunswick town	9,004	5,967	4,917
East Greenbush town	9,107	6,338	4,550
East Greenbush (U)	1,325	...	...
Grafton town	1,009	964	836
Hoosick town	6,490	6,520	6,549
Hoosick Falls village	4,023	4,297	4,279
Nassau town	3,721	3,122	2,605
Nassau village	1,248	952	698
North Greenbush town	8,161	4,913	3,223
Petersburg town	989	1,010	955
Pittstown town	2,973	2,666	2,491
Valley Falls village (pt.)	490	473	489
Poestenkill town	2,493	1,799	1,438
Rensselaer city	10,806	10,856	10,761
Sand Lake town	4,629	3,254	2,488
Schaghticoke town	5,269	4,019	3,246
Schaghticoke village	720	687	603
Valley Falls village (pt.)	99	82	75
Schodack town	8,052	6,164	5,081
Castleton-on-Hudson village	1,752	1,751	1,515
Stephentown town	1,361	1,295	1,181
Troy city	67,492	72,311	70,304
RICHMOND COUNTY	221,991	191,555	174,441
Richmond Borough (pt. of New York City)	221,991	191,555	174,441
ROCKLAND COUNTY—Con.			
Orangetown town	43,172	34,554	26,662
Grand View-on-Hudson village[28]	330	302	588
Nyack village (pt.)	6,010	5,889	5,206
Piermont village	1,906	1,897	1,876
South Nyack village	3,113	3,102	2,093
Ramapo town	35,064	20,584	18,007
Hillburn village[28]	1,114	1,212	1,161
Sloatsburg village	2,565	2,018	1,771
Spring Valley village (pt.)[28]	5,881	4,930	4,308
Suffern village[28]	5,094	4,010	3,768
Stony Point town	8,739	5,485	4,898
Stony Point (U)	3,330	1,438	...
ST. LAWRENCE COUNTY	111,239	98,897	91,098
Brasher town	2,536	1,916	1,892
Canton town	8,935	7,652	6,230
Canton village	5,046	4,379	3,018
Rensselaer Falls village	375	323	265
Clare town	87	107	139
Clifton town	1,306	1,382	1,005
Colton town	1,195	960	1,096
De Kalb town	2,137	2,063	2,116
Richville village	292	254	274
De Peyster town	759	642	768
Edwards town	1,366	1,426	1,410
Edwards village	658	584	624
Fine town	2,391	1,875	1,208
Fowler town	1,722	1,602	1,772
Gouverneur town	6,737	6,506	5,900
Gouverneur village[28]	4,946	4,916	4,478
Hammond town	1,076	1,251	1,260
Hammond village	314	329	373
Hermon town	1,255	1,350	1,147
Hermon village	612	547	487
Hopkinton town	1,032	935	1,044
Lawrence town	1,785	1,625	1,431
Lisbon town	3,040	2,597	2,633
Louisville town	2,520	1,825	1,589
Massena village (pt.)[28]	92	...	...
Macomb town	881	848	891
Madrid town	1,623	1,551	1,383
Massena town	17,730	14,862	12,979
Massena village (pt.)	15,386	...	...
Morristown town	1,776	1,569	1,635
Morristown village	541	546	540
Norfolk town	4,590	3,481	3,427
Norfolk (U)	1,353	1,252	...
Norwood village (pt.)	44	79	83
Ogdensburg city[28]	16,122	16,166	16,346
Oswegatchie town[28]	2,836	2,363	2,193
Heuvelton village	810	712	620
Parishville town	1,473	1,245	1,309
Pierrefield town	420	554	667
Pierrepont town	1,523	1,192	1,312
Pitcairn town	647	569	521
Potsdam town	14,045	12,437	9,609
Norwood village (pt.)[28]	2,156	1,916	1,822
Potsdam village	7,765	7,491	4,821
Rossie town	649	611	706
Russell town	1,588	1,472	1,529
Stockholm town	3,465	2,558	2,406
Norwood village (pt.)	...	...	...
Waddington town	1,972	1,745	1,645
Waddington village	921	819	671
SARATOGA COUNTY	89,096	74,869	65,606
Ballston town	5,752	3,969	2,630
Ballston Spa village (pt.)	844	803	676
Charlton town	3,024	1,298	1,063
Clifton Park town	4,512	3,261	2,253
Corinth town	5,167	4,879	4,478
Corinth village	3,193	3,161	3,054
Day town	486	436	475
Edinburg town	602	530	534
Galway town	1,746	1,408	1,244
Galway village	309	188	161
Greenfield town	2,548	1,961	1,696
Hadley town	982	801	679
Halfmoon town	4,120	2,836	1,969
Malta town	2,223	1,882	1,354
Mechanicville city	6,831	7,385	7,449
Milton town	7,114	6,294	5,768
Ballston Spa (pt.)	4,142	4,134	3,767

Unionville village	511	454	387
Monroe town	5,965	3,714	3,302
Harriman village (pt.)	718	638	678
Monroe village[23]	3,343	1,753	1,616
Montgomery town	11,672	9,868	8,418
Maybrook village (pt.)[23]	1,330	1,316	1,189
Montgomery village[23]	1,312	1,063	844
Walden village	4,851	4,559	4,262
Mount Hope town	2,291	2,298	1,817
Otisville village	896	911	889
Newburgh city	30,979	31,956	31,883
Newburgh town	15,547	8,686	6,092
Balmville (V)	1,538	...	...
Glenwood Park (V)	1,317	...	...
Winona Lakes (V)	1,655	...	...
New Windsor town	11,908	5,100	3,765
New Windsor (V)	4,041	2,754	...
Port Jervis city	9,268	9,372	9,749
Tuxedo town	2,227	2,281	2,314
Tuxedo Park village[23]	723	...	...
Wallkill town[23]	8,176	5,947	4,753
East Middletown (V)	1,752	1,485	...
Washington Heights (V)	1,231	...	...
Warwick town	12,551	9,628	9,369
Florida village	1,550	1,376	...
Greenwood Lake village	1,236	819	483
Warwick village[23]	3,218	2,674	2,534
Wawayanda town	3,229	2,435	2,218
Woodbury town	2,887	2,138	1,960
Harriman village (pt.)	34	18	29
ORLEANS COUNTY	34,159	29,832	27,760
Albion town	6,416	6,007	5,965
Albion village (pt.)	4,898	4,663	4,506
Barre town	1,922	1,623	1,545
Carlton town	2,600	1,775	1,540
Clarendon town	1,659	1,287	1,176
Gaines town	2,090	1,812	1,667
Albion village (pt.)	284	187	154
Kendall town	1,680	1,343	1,341
Murray town	3,767	3,200	2,764
Holley village	1,788	1,551	1,230
Ridgeway town	6,911	6,217	5,826
Medina village (pt.)[24]	4,010	3,798	3,555
Shelby town	5,051	4,482	3,961
Medina village (pt.)	2,671	2,381	2,316
Yates town	2,063	2,086	1,975
Lyndonville village	755	777	745
OSWEGO COUNTY	86,118	77,181	71,275
Albion town	1,125	1,036	1,094
Altmar village	277	299	304
Amboy town	524	482	493
Boylston town	293	302	365
Constantia town	2,730	1,947	1,538
Cleveland village	732	595	440
Fulton city[27]	14,261	13,922	13,362
Granby town[27]	3,704	2,775	2,220
Hannibal town	2,673	2,230	2,010
Hannibal village	611	501	437
Hastings town	4,477	3,063	2,361
Central Square village	935	665	568
Mexico town	3,435	3,035	2,710
Mexico village	1,465	1,398	1,348
Minetto town	1,290	1,025	1,052
New Haven town	1,478	1,259	1,194
Orwell town	663	752	806
Oswego city	22,155	22,647	22,062
Oswego town	2,796	2,106	1,972
Palermo town	1,663	1,397	1,148
Parish town	1,439	1,264	1,199
Parish village	567	574	521
Redfield town	388	418	317
Richland town	4,554	4,067	3,848
Pulaski village	2,256	2,033	1,895
Sandy Creek town	2,506	2,354	1,821
Lacona village	556	540	413
Sandy Creek village	697	708	646
Schroeppel town	5,554	4,037	3,219
Phoenix village	2,408	1,917	1,757
Sen'ca town	2,489	2,249	2,184
Volney town	3,785	3,106	2,659
West Monroe town	1,417	1,002	731
Williamstown town	739	707	710

See footnotes at end of table, p. 21.

Laurens town	1,498	1,447	1,395
Laurens village	291	261	203
Maryland town	1,386	1,556	1,460
Schenevus village	493	568	472
Middlefield town	1,376	1,481	1,592
Cooperstown village (pt.)	97	83	73
Milford town	2,055	1,913	1,666
Milford village	548	502	460
Morris town	1,525	1,440	1,376
Morris village	677	641	599
New Lisbon town	812	877	801
Oneonta city	13,412	13,564	11,731
Oneonta town	4,068	3,508	2,673
West End (U)	1,436	1,285	...
Otego town	2,008	1,769	1,508
Otego village	875	699	580
Otsego town	4,121	4,304	4,074
Cooperstown village (pt.)	2,456	2,664	2,526
Pittsfield town	880	850	796
Plainfield town	764	729	670
Richfield town	2,662	2,339	1,970
Richfield Springs village	1,630	1,534	1,209
Roseboom town	518	570	534
Springfield town	1,121	1,184	1,135
Unadilla town	3,649	2,689	2,277
Unadilla village	1,386	1,317	1,079
Westford town	526	602	685
Worcester town	1,946	2,098	2,038
PUTNAM COUNTY	31,722	20,307	16,555
Carmel town	9,113	5,458	4,195
Mahopac (U)	1,337	...	...
Kent town	3,924	2,246	1,546
Lake Carmel (U)	2,735	...	...
Patterson town	2,853	2,075	1,328
Philipstown town	5,918	4,332	4,246
Cold Spring village	2,083	1,788	1,897
Nelsonville village	555	522	457
Putnam Valley town	3,070	1,908	1,187
Southeast town	6,844	4,388	4,053
Brewster village	1,714	1,810	1,863
QUEENS COUNTY	1,809,578	1,550,849	1,297,634
Queens Borough (pt. of New York City)	1,809,578	1,550,849	1,297,634
RENSSELAER COUNTY	142,585	132,607	121,834
Berlin town	1,329	1,409	1,402
Brunswick town	9,004	5,967	4,917
East Greenbush town	9,107	6,338	4,550
East Greenbush (U)	1,325	...	...
Grafton town	1,009	964	836
Hoosick town	6,490	6,520	6,549
Hoosick Falls village	4,023	4,297	4,279
Nassau town	3,721	3,122	2,405
Nassau village	1,248	952	698
North Greenbush town	8,161	4,913	3,223
Petersburg town	989	1,010	955
Pittstown town	2,973	2,666	2,491
Valley Falls village (pt.)	490	473	489
Poestenkill town	2,493	1,799	1,438
Rensselaer city	10,506	10,856	10,768
Sand Lake town	4,629	3,254	2,488
Schaghticoke town	5,269	4,019	3,246
Schaghticoke village	720	687	603
Valley Falls village (pt.)	99	82	75
Schodack town	8,052	6,164	5,081
Castleton-on-Hudson village	1,752	1,751	1,515
Stephentown town	1,361	1,295	1,181
Troy city	67,492	72,311	70,304
RICHMOND COUNTY	221,991	191,555	174,441
Richmond Borough (pt. of New York City)	221,991	191,555	174,441
ROCKLAND COUNTY	136,802	89,276	74,261
Clarkstown town	33,196	15,674	12,251
Nyack village (pt.)[28]	52	...	...
Spring Valley village (pt.)[24]	657	...	...
Upper Nyack village[28]	1,833	1,195	924
Haverstraw town	16,632	12,979	12,443
Haverstraw village	5,771	5,818	5,909
West Haverstraw village[28]	5,020	3,099	2,533

(pt.)[28]	5,881	4,500	4,308
Suffern village[28]	5,094	4,010	3,768
Stony Point town	8,739	5,485	4,898
Stony Point (U)	3,330	1,438	...
ST. LAWRENCE COUNTY	111,239	98,897	91,098
Brasher town	2,536	1,916	1,892
Canton town	8,939	7,652	6,130
Canton village	5,046	4,379	3,018
Rensselaer Falls village	375	323	265
Clare town	87	107	139
Clifton town	1,306	1,382	1,005
Colton town	1,195	960	1,096
De Kalb town	2,137	2,063	2,116
Richville village	292	234	274
De Peyster town	739	642	768
Edwards town	1,366	1,426	1,410
Edwards village	458	584	624
Fine town	2,391	1,875	1,208
Fowler town	1,722	1,602	1,772
Gouverneur town	6,757	6,506	5,900
Gouverneur village[28]	4,946	4,916	4,478
Hammond town	1,076	1,251	1,260
Hammond village	314	329	323
Hermon town	1,255	1,350	1,147
Hermon village	612	547	487
Hopkinton town	1,032	935	1,044
Lawrence town	1,785	1,625	1,431
Lisbon town	3,040	2,557	2,633
Louisville town	2,520	1,825	1,589
Massena village (pt.)[28]	92	...	...
Macomb town	881	848	891
Madrid town	1,623	1,551	1,383
Massena town	17,730	14,862	12,979
Massena village (pt.)	15,386	...	...
Morristown town	1,776	1,569	1,635
Morristown village	541	546	540
Norfolk town	4,590	3,481	3,427
Norfolk (U)	1,353	1,252	...
Norwood village (pt.)	44	79	82
Ogdensburg city[29]	16,122	16,166	16,346
Oswegatchie town[29]	2,836	2,363	2,193
Heuvelton village	810	712	620
Parishville town	1,473	1,243	1,309
Pierrefield town	420	554	667
Pierrepont town	1,523	1,192	1,312
Pitcairn town	647	569	521
Potsdam town	14,045	12,437	9,609
Norwood village (pt.)[28]	2,156	1,916	1,822
Potsdam village	7,765	7,491	4,821
Russia town	649	611	706
Russell town	1,588	1,472	1,529
Stockholm town	3,465	2,558	2,406
Norwood village (pt.)	...	...	...
Waddington town	1,972	1,743	1,645
Waddington village	921	819	671
SARATOGA COUNTY	89,096	74,869	65,606
Ballston town	5,752	3,969	2,630
Ballston Spa village (pt.)	844	803	676
Charlton town	3,024	1,298	1,063
Clifton Park town	4,512	3,283	2,253
Corinth town	5,167	4,879	4,478
Corinth village	3,193	3,161	3,054
Day town	466	436	475
Edinburg town	602	530	534
Galway town	1,746	1,408	1,244
Galway village	309	188	161
Greenfield town	2,548	1,961	1,696
Hadley town	982	801	679
Halfmoon town	4,120	2,836	1,969
Malta town	2,223	1,882	1,354
Mechanicsville city	6,831	7,385	7,449
Milton town	7,114	6,294	5,768
Ballston Spa village (pt.)	4,147	4,134	3,767
Moreau town	8,406	6,065	4,930
Fernwood (U)	2,108	...	...
South Glens Falls village[30]	4,129	3,645	3,081
Northumberland town	1,353	1,263	1,109
Providence town	556	369	409
Saratoga town	3,515	3,225	3,212
Schuylerville village	1,361	1,314	1,447
Victory village	477	388	520
Saratoga Springs city	16,630	15,473	13,705

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Table 7.—POPULATION OF COUNTIES, BY MINOR CIVIL DIVISIONS: 1940 TO 1960—Con.

["U" denotes an unincorporated place. For changes in boundaries, etc., between 1940 and 1960, see table 6 for this State in *U. S. Census of Population:* 1960, Vol. I or II. Total population of a place located in 2 or more minor civil divisions appears in table 8. Minor civil division figures for 1960 and 1940 do not necessarily add to county totals]

County and minor civil division	1960	1950	1940
SARATOGA COUNTY—Con.			
Stillwater town	4,416	4,055	3,709
Stillwater village	1,398	1,276	971
Waterford town	7,231	6,092	5,709
Waterford village	2,915	2,968	2,903
Wilton town	1,902	1,407	1,231
SCHENECTADY COUNTY	152,896	142,497	122,494
Duanesburg town	3,070	2,822	2,141
Delanson village	398	430	326
Glenville town	25,707	17,912	13,343
Scotia village	7,625	7,812	7,960
Niskayuna town	14,032	9,442	6,348
Princetown town	912	774	553
Rotterdam town	27,493	19,762	12,560
Rotterdam (U)	16,871	...	...
Schenectady city	81,682	91,785	87,549
SCHOHARIE COUNTY	22,616	22,703	20,812
Blenheim town	345	378	415
Broome town	517	635	768
Carlisle town	900	1,010	917
Cobleskill town	4,964	4,709	4,005
Cobleskill village	3,471	3,208	2,617
Conesville town	593	626	673
Esperance town	1,232	1,128	887
Esperance village	314	322	219
Fulton town	1,008	1,050	1,010
Gilboa town	782	943	1,061
Jefferson town	800	819	845
Middleburg town	2,437	2,460	2,113
Middleburg village	1,317	1,298	1,074
Richmondville town	1,746	1,728	1,503
Richmondville village	743	709	598
Schoharie town	3,063	2,777	2,417
Schoharie village	1,168	1,059	941
Seward town	1,210	1,224	1,146
Sharon town	1,405	1,463	1,476
Sharon Springs village	351	361	433
Summit town	704	859	790
Wright town	910	903	786
SCHUYLER COUNTY	15,044	14,182	12,979
Catharine town	1,605	1,399	1,284
Odessa village (pt.)[34]	530	526	424
Cayuta town	538	459	311
Dix town	3,916	3,871	3,739
Montour Falls village (pt.)	...	5	...
Watkins Glen village (pt.)	2,438	2,682	2,644
Hector town	3,209	3,129	2,949
Burdett village	420	432	408
Montour town	2,182	1,985	1,774
Montour Falls village (pt.)	1,533	1,452	1,345
Odessa village (pt.)[34]	43	...	...
Orange town	1,047	890	693
Reading town	1,410	1,373	1,205
Watkins Glen village (pt.)	375	370	269
Tyrone town	1,137	1,076	1,024
SENECA COUNTY	31,984	29,253	25,732
Covert town	1,965	1,843	1,633
Interlaken village	780	770	661
Fayette town	2,825	2,557	2,383
Waterloo village (pt.)	703	678	620
Junius town	871	846	738
Lodi town	1,267	1,118	1,051
Lodi village	396	362	366
Ovid town	3,097	3,442	3,200
Ovid village (pt.)[33]	762	646	578
Romulus town	3,309	4,263	3,865
Ovid village (pt.)[33]	27	...	...
Seneca Falls town	9,264	7,845	7,352
Seneca Falls village	7,439	6,634	6,452
Tyre town	815	729	724
Varick town	1,480	1,086	1,056
Waterloo town	6,891	5,524	4,730
Waterloo village (pt.)	4,395	3,760	3,390
STEUBEN COUNTY	97,691	91,439	84,927
Addison town	2,645	2,368	2,032
Addison village	2,185	1,920	1,617
Avoca town[33]	2,041	1,755	1,789
Avoca village[33]	1,086	952	1,006
Bath town	11,978	10,926	9,354
STEUBEN COUNTY—Con.			
Dansville town	1,125	1,113	794
Erwin town[33]	5,829	4,393	3,716
Painted Post village[33]	2,370	2,405	2,337
Fremont town	779	782	739
Greenwood town	839	872	914
Hartsville town	479	518	498
Hornby town	1,383	1,014	837
Hornell city[33]	13,907	15,049	15,649
Hornellsville town[33]	3,413	2,912	2,761
Almond village (pt.)	31	23	22
Arkport village	837	701	618
North Hornell village	917	603	589
Howard town	929	902	893
Jasper town	1,008	983	967
Lindley town	1,313	1,043	961
Prattsburg town	1,448	1,353	1,364
Prattsburg village	690	653	635
Pulteney town	1,106	1,138	957
Rathbone town	726	741	699
Thurston town	619	719	607
Troupsburg town	1,074	1,092	1,131
Tuscarora town	1,043	989	859
Urbana town[33]	2,592	2,430	2,322
Hammondsport village[33]	1,176	1,190	1,112
Wayland town	3,385	3,178	3,078
Wayland village	2,003	1,834	1,795
Wayne town	715	581	577
West Union town	430	504	630
Wheeler town	766	653	690
Woodhull town	1,224	1,255	1,292
Woodhull village	321	332	339
SUFFOLK COUNTY	666,784	276,129	197,355
Babylon town	142,309	45,556	24,297
Amityville village	8,318	6,164	5,058
Babylon village	11,062	6,015	4,742
Copiague (U)	14,081	...	...
Deer Park (U)	16,726	...	...
Lindenhurst village	20,905	8,644	4,736
Brookhaven town	109,900	44,522	32,117[4]
Belle Terre village	295	120	89
Bellport village	2,461	1,449	650
Centereach (U)	8,524	...	...
Center Moriches (U)	2,521	1,761	...
East Moriches (U)	1,210	...	...
East Setauket (U)	1,127	...	...
Farmingville (U)	2,134	...	...
Holbrook (U) (pt.)	2,389	...	...
Lake Ronkonkoma (U) (pt.)	2,158	...	...
Mastic Beach (U)	3,035	1,079	...
Mastic Shirley (U)	3,397	...	...
Old Field village	373	238	123
Patchogue village[34]	8,838	7,361	7,181
Poquott village	295	136	73
Port Jefferson (U)	2,336	3,296	...
Port Jefferson Station (U)	1,041	...	...
Rocky Point (U)	2,261	...	...
Ronkonkoma (U)	4,220	...	...
Selden (U)	1,606	1,743	...
Setauket (U)	1,207	...	...
Shoreham village[34]	164	90	25
Sound Beach (U)	1,625	...	...
Stony Brook (U)	3,548	...	...
East Hampton town	8,827	6,329	6,529
Amagansett (U)	1,095	...	...
East Hampton village	1,772	1,737	1,756
Freetown (U)	1,365	...	...
Sag Harbor village (pt.)	874	915	952
Huntington town	126,221	47,506	31,768
Asharoken village	253	116	48
Centerport (U)	3,628	...	...
Cold Spring Harbor (U)	1,705	...	...
Commack (U) (pt.)	6,247	...	...
East Neck (U)	3,799	...	...
East Northport (U)	8,381	3,842	...
Greenlawn (U)	5,422	1,000	...
Halesite (U)	2,837	...	...
Huntington (U)	11,255	9,324	...
Huntington Bay village	1,267	585	408
SUFFOLK COUNTY—Con.			
Riverhead town	14,519	9,973	8,922
Riverhead (U)	5,830	4,892	...
Shelter Island town	1,312	1,144	1,073
Sag Harbor village	19	4	34
Smithtown town	30,347	20,993	13,970
Commack (U) (pt.)	3,366	...	...
Head of the Harbor village	324	334	255
Kings Park (U)	4,949	10,960	...
Lake Ronkonkoma (U) (pt.)	1,106	...	...
Nesconset (U)	1,964	...	...
Nissequogue village	332	219	188
St. James (U)	3,524	1,390	...
San Remo (U)	11,996	...	...
Smithtown Branch (U)	1,986	1,424	...
Village of the Branch village	886	163	185
Southampton town	26,861	16,830	15,295
Flanders (U)	1,249	...	...
Hampton Bays (U)	1,431	1,269	...
North Haven village	450	153	131
Quogue village	692	625	633
Sag Harbor village (pt.)	1,472	1,458	1,565
Southampton village	4,582	4,042	3,818
Westhampton Beach village	1,460	1,087	969
Southold town	13,293	11,632	12,066
Greenport village	2,608	3,028	3,259
Mattituck (U)	1,274	1,08	...
Shinnecock Indian Reservation	234	183	136
SULLIVAN COUNTY	45,272	40,731	37,901
Bethel town	2,366	2,351	2,321
Callicoon town	2,176	2,134	2,092
Jeffersonville village	434	450	403
Cochecton town	1,070	1,136	1,189
Delaware town	2,141	2,089	1,934
Fallsburgh town	6,748	6,321	5,682
South Fallsburgh (U)	1,290	1,147	...
Woodridge village	1,034	931	834
Forestburg town	356	384	389
Fremont town	1,047	1,170	1,251
Highland town	1,138	1,140	1,038
Liberty town	8,676	7,979	7,235
Liberty village[33]	4,704	4,658	3,788
Lumberland town	538	494	490
Mamakating town	3,356	2,632	2,407
Bloomingburgh village	303	263	197
Wurtsboro village	655	628	487
Neversink town	1,563	1,465	1,494
Rockland town	4,216	3,502	3,375
Livingston Manor (U)	2,080	...	...
Thompson town	8,792	6,912	6,054
Monticello village[33]	5,222	4,223	3,737
Tusten town	1,087	1,042	950
TIOGA COUNTY	37,802	30,166	27,072
Barton town	8,365	8,017	7,164
Waverly village	5,950	6,037	5,450
Berkshire town	953	912	861
Candor town	3,488	2,879	2,601
Candor village	956	802	661
Newark Valley town	2,880	2,384	2,210
Newark Valley village	1,234	1,027	949
Nichols town	1,998	1,685	1,681
Nichols village	663	578	541
Owego town	14,710	9,961	8,717
Owego village	5,417	5,350	5,068
Richford town	804	787	794
Spencer town	1,790	1,561	1,462
Spencer village	767	694	615
Tioga town	2,814	2,000	1,782
TOMPKINS COUNTY	66,164	59,122	42,340
Caroline town	2,118	1,900	1,737
Danby town	2,059	1,555	1,253
Dryden town	7,953	5,006	3,947
Dryden village	1,263	976	747
Freeville village	471	373	379
Enfield town	1,573	1,316	1,082
Groton town	4,469	4,246	3,879
Groton village	2,123	2,150	2,087

[fol. 32w]

Copiague (U)	Suffolk	14,081	...	...	Franklin Square (U)	Nassau	32,483	...	...
Corfu	Genesee	616	542	442	Franklinville	Cattaraugus	2,134	2,092	1,884
Corinth	Saratoga	3,193	3,141	3,054	Fredonia	Chautauqua	8,477	7,095	5,738
Corning	Steuben	17,085	17,684	16,212	Freeport	Nassau	34,419	24,680	20,410
Cornwall	Orange	2,785	2,211	1,978	Preston (U)	Suffolk	1,365	...	...
Cornwall Southeast (U)	Orange	2,824	...	...	Freeville	Tompkins	471	373	379
Cortland	Cortland	19,181	18,132	15,881	Frewsburg (U)	Chautauqua	1,623	1,383	...
Cove Neck	Nassau	299	200	130	Friendship	Allegany	1,231	1,344	1,148
Coxsackie	Greene	2,849	2,722	2,352	Fulton	Oswego	14,261	13,922	13,362
Croghan	Lewis	821	772	801	Fultonville	Montgomery	815	840	806
Croton-on-Hudson	Westchester	6,812	4,837	3,843	Gainesville	Wyoming	369	314	283
Cuba	Allegany	1,949	1,783	1,699	Galway	Saratoga	309	188	141
Dannemora	Clinton	4,835	4,122	4,830	Garden City	Nassau	23,948	14,486	11,223
Dansville	Livingston	5,480	5,253	4,976	Garden City Park-Herricks (U)	Nassau	15,364	...	...
Deer Park (U)	Suffolk	16,726	...	...	Geneseo	Livingston	5,284	2,838	2,144
Deferiet	Jefferson	470	416	620	Geneva	Ontario	17,286	17,144	15,555
Delanson	Schenectady	398	430	326	Gilbertsville	Otsego	522	456	377
Delevan	Cattaraugus	777	611	554	Glen Cove	Nassau	23,817	13,130	12,415
Delhi	Delaware	2,307	2,223	1,841	Glen Park	Jefferson	561	516	523
Depew	Erie	13,580	9,217	6,084	Glens Falls	Warren	18,580	19,420	18,836
Deposit	Broome / Delaware	2,025	2,016	2,028	Glenwood Park (U)	Orange	1,317	...	...
Derby Harbor	Suffolk	19	4	34	Gloversville	Fulton	21,741	23,634	22,329
De Ruyter	Madison	627	561	526	Goshen	Orange	3,906	3,311	3,073
Dexter	Jefferson	1,009	1,038	1,109	Gouverneur	St. Lawrence	4,946	4,916	4,478
Dobbs Ferry	Westchester	9,280	6,268	5,883	Gowanda	Cattaraugus / Erie	3,352	3,289	3,156
Dolgeville	Fulton / Herkimer	3,038	3,204	3,195	Grand View-on-Hudson	Rockland	330	302	388
Dresden	Yates	437	373	237	Granville	Washington	2,715	2,826	3,173
Dryden	Tompkins	1,263	976	747	Great Neck	Nassau	10,171	7,799	6,187
Dundee	Yates	1,468	1,165	1,168	Great Neck Estates	Nassau	3,262	2,464	1,969
Dunkirk	Chautauqua	18,205	18,007	17,713	Great Neck Plaza	Nassau	4,948	4,246	2,031
Earlville	Chenango / Madison	1,004	943	864	Greene	Chenango	2,051	1,628	1,431
East Aurora	Erie	6,791	5,962	5,253	Green Island	Albany	3,533	4,016	3,988
East Bloomfield	Ontario	488	425	365	Greenlawn (U)	Suffolk	5,422	1,000	...
East Greenbush (U)	Rensselaer	1,325	...	...	Greenport	Suffolk	2,608	3,028	3,259
East Hampton	Suffolk	1,772	1,737	1,756	Greenwich	Washington	2,363	2,212	2,270
East Herkimer (U)	Herkimer	1,068	...	...	Greenwood Lake	Orange	1,236	819	483
East Hills	Nassau	7,184	2,347	343	Groton	Tompkins	2,123	2,150	2,087
East Massapequa (U)	Nassau	14,779	...	...	Hagaman	Montgomery	1,292	1,114	933
East Meadow (U)	Nassau	46,036	...	...	Halesite (U)	Suffolk	2,837	...	...
East Middletown (U)	Orange	1,732	1,485	...	Hamburg	Erie	9,143	6,938	5,487
East Moriches (U)	Suffolk	1,210	...	...	Hamburg-Lake Shore (U)	Erie	11,527	...	...
East Neck (U)	Suffolk	3,789	...	...	Hamilton	Madison	3,348	3,307	1,790
East Northport (U)	Suffolk	8,381	3,842	...	Hammond	St. Lawrence	314	329	323
East Randolph	Cattaraugus	594	628	496	Hammondsport	Steuben	1,176	1,190	1,112
East Rochester	Monroe	8,132	7,022	6,691	Hampton Bays (U)	Suffolk	1,431	1,269	...
East Rockaway	Nassau	10,721	7,970	5,610	Hancock	Delaware	1,830	1,560	1,581
East Setauket (U)	Suffolk	1,127	...	...	Hannibal	Oswego	611	501	497
East Syracuse	Onondaga	4,708	4,766	4,320	Harriman	Orange	732	676	703
East Williston	Nassau	2,940	1,734	1,152	Harris Hill (U)	Erie	3,944	...	...
Eden (U)	Erie	2,366	1,394	...	Harrisville	Lewis	842	868	832
Edwards	St. Lawrence	638	584	624	Hastings-on-Hudson	Westchester	8,979	7,565	7,037
Eggertsville (U)	Erie	44,807	...	...	Haverstraw	Rockland	9,771	5,818	5,909
Elba	Genesee	739	569	614	Head of the Harbor	Suffolk	324	334	255
Elbridge	Onondaga	828	586	497	Hempstead	Nassau	34,641	29,135	20,856
Elizabethtown	Essex	779	665	640	Henrietta Northeast (U)	Monroe	6,403	...	...
Ellenville	Ulster	5,003	4,225	4,000	Herkimer	Herkimer	9,396	9,400	9,617
Ellicottville	Cattaraugus	1,150	1,073	1,024	Hermon	St. Lawrence	612	547	487
Ellisburg	Jefferson	328	283	253	Herrings	Jefferson	327[4]	192	232
Elmira	Chemung	46,517	49,716	45,106	Heuvelton	St. Lawrence	810	712	620
Elmira Heights	Chemung	5,137	5,009	4,829	Hewlett Bay Park	Nassau	320	466	438
Elmira Southeast (U)	Chemung	6,698	...	...	Hewlett Harbor	Nassau	1,610	411	228
Elmont (U)	Nassau	30,138	...	...	Hewlett Neck	Nassau	507	369	252
Elmsford	Westchester	3,795	3,147	3,078	Hicksville (U)	Nassau	50,405	...	...
Endicott	Broome	18,773	20,080	17,702	Highland (U)	Ulster	2,931	3,035	...
Esperance	Schoharie	314	322	219	Highland Falls	Orange	4,469	3,930	3,711
Evans Mills	Jefferson	618	518	523	Hillburn	Rockland	1,114	1,212	1,161
Fabius	Onondaga	378	369	308	Hilton	Monroe	1,334	1,036	893
Fair Haven	Cayuga	764	628	471	Hobart	Delaware	385	618	638
Fairport	Monroe	3,307	3,267	4,644	Holbrook (U)	Suffolk	3,441	...	...
Fairview (U)	Dutchess	8,626	1,721	...	Holcomb	Ontario	460	313	304
Falconer	Chautauqua	3,343	3,292	3,222	Holland Patent	Oneida	538	400	388
Farmingdale	Nassau	6,128	4,492	3,524	Holley	Orleans	1,788	1,581	1,230
Farmingville (U)	Suffolk	2,134	...	...	Homer	Cortland	3,622	3,244	2,928
Farnham	Erie	422	396	388	Honeoye Falls	Monroe	2,143	1,460	1,274
Fayetteville	Onondaga	4,311	2,624	2,172	Hoosick Falls	Rensselaer	4,023	4,297	4,279
Fernwood (U)	Saratoga	2,108	...	...	Hornell	Steuben	13,907	15,049	15,649
Fillmore	Allegany	522	527	518	Horseheads	Chemung	7,207	3,606	2,970
Fishkill	Dutchess	1,033	841	720	Hudson	Columbia	11,073	11,629	11,517
Flanders (U)	Suffolk	1,248	...	...	Hudson Falls	Washington	7,752	7,236	6,654
Fleischmanns	Delaware	490	469	546	Hunter	Greene	437	526	626
Floral Park	Nassau	17,499	14,382	12,930	Huntington (U)	Suffolk	11,255	9,324	...
Florida	Orange	1,550	1,376	...	Huntington Bay	Suffolk	1,267	585	408
					Huntington Station (U)	Suffolk	23,438	9,924	...

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[4] The revised population total for Herrings is 171. The figure in the table includes population for an area misclassified as inside, rather than outside, the village limits. This error was discovered too late for correction in the detailed distributions.

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Table 7.—POPULATION OF COUNTIES, BY MINOR CIVIL DIVISIONS: 1940 TO 1960—Con.

["U" denotes an unincorporated place. For changes in boundaries, etc., between 1940 and 1960, see table 6 for this State in *U. S. Census of Population: 1960*, Vol. I or II. Total population of a place located in 2 or more minor civil divisions appears in table 8. Minor civil division figures for 1950 and 1940 do not necessarily add to county totals]

County and minor civil division	1960	1950	1940
ULSTER COUNTY--Con.			
Hardenbergh town	252	284	326
Hurley town	4,526	1,980	1,530
Kingston city	29,260	26,817	28,589
Kingston town	490	227	196
Lloyd town	5,842	4,503	3,795
Highland (U)	2,931	3,035	...
Marbletown town	3,191	2,364	2,543
Marlborough town	4,863	4,003	3,794
Marlboro (U)	1,733	1,709	...
New Paltz town[32]	5,841	3,749	2,815
New Paltz village[32]	3,041	2,285	1,492
Olive town	1,999	1,463	1,320
Plattekill town	3,009	2,213	2,082
Rochester town	3,012	2,332	2,454
Rosendale town	4,228	2,930	2,548
Rosendale village	1,033	883	671
Saugerties town	13,608	9,232	8,960
Saugerties village	4,286	3,907	3,916
Shandaken town	2,078	1,887	1,875
Pine Hill village	180	233	242
Shawangunk town	4,604	3,561	3,117
Wallkill (U)	1,213	1,145	...
Ulster town	8,446	4,411	3,993
Lake Katrine (U)	1,149	...	...
Lincoln Park (U)	2,707	1,527	...
Wawarsing town[33]	11,245	9,912	9,240
Ellenville village[33]	5,003	4,225	4,000
Woodstock town	3,836	2,271	1,983
WARREN COUNTY	44,002	39,205	36,035
Bolton town	1,417	1,184	1,310
Caldwell town	2,429	1,621	1,467
Lake George village	1,026	1,005	803
Chester town	1,974	1,927	1,825
Glens Falls city	18,580	19,610	18,836
Hague town	771	761	739
Horicon town	833	791	850
Johnsburg town	2,250	2,076	2,000
Luzerne town	1,830	1,426	1,251
Queensbury town	10,004	5,907	4,199
West Glens Falls (U)	2,725	1,665	...
Stony Creek town	499	479	437
Thurman town	368	529	535
Warrensburg town	2,907	2,894	2,566
Warrensburg (U)	2,240	2,356	...
WASHINGTON COUNTY	48,476	47,144	46,726
Argyle town	1,898	1,801	1,611
Argyle village	355	351	226
Cambridge town	1,610	1,567	1,434
Cambridge village (pt.)	519	546	1,311
Dresden town	426	433	902
Easton town	1,681	1,659	1,691
Greenwich village (pt.)	322	334	309
Fort Ann town	3,134	3,122	3,653
Fort Ann village	453	463	439
Fort Edward town	6,523	6,213	5,716
Fort Edward village	3,737	3,797	3,620
Granville town	5,015	5,116	5,508
Granville village	2,715	2,826	3,173
Greenwich town	3,949	3,811	3,766
Greenwich village (pt.)	1,941	1,878	1,961
Hampton town	469	576	594
Hartford town	1,058	1,271	1,088
Hebron town	1,026	1,134	1,228
Jackson town	795	857	798
Kingsbury town	11,012	9,503	8,697
Hudson Falls village	7,752	7,236	6,654
Putnam town	490	534	534
WASHINGTON COUNTY--Con.			
Salem town	2,258	2,171	2,127
Salem village	1,076	1,067	1,034
White Creek town	2,365	2,120	2,103
Cambridge village (pt.)	1,229	1,146	1,061
Whitehall town	4,777	5,256	5,870
Whitehall village	4,016	4,497	4,851
WAYNE COUNTY	67,989	57,323	52,747
Arcadia town	15,836	12,816	12,108
Newark village[34]	12,868	10,295	9,646
Butler town	1,441	1,429	1,411
Wolcott village (pt.)	273	232	170
Galen town	4,419	4,036	3,858
Clyde village	2,693	2,492	2,356
Huron town	1,356	1,409	1,412
Lyons town	6,147	5,379	5,076
Lyons village	4,673	4,217	3,863
Macedon town	3,617	2,560	2,277
Macedon village	645	614	557
Marion town	2,785	2,412	2,240
Ontario town	4,259	3,297	2,851
Palmyra town	6,179	4,934	4,337
Palmyra village	3,476	3,034	2,709
Rose town	2,122	2,013	1,882
Savannah town	1,667	1,494	1,456
Savannah village	602	582	601
Sodus town	6,587	5,706	5,162
Sodus Point village[35]	868	...	...
Sodus village[35]	1,645	1,588	1,513
Walworth town	2,782	2,336	1,956
Williamson town	5,294	4,226	3,700
Williamson (U)	1,690	1,520	...
Wolcott town	3,498	3,276	3,021
Red Creek village	689	617	539
Wolcott village (pt.)	1,368	1,284	1,156
WESTCHESTER COUNTY	808,891	625,816	573,558
Bedford town	14,656	10,888	9,248
Mount Kisco village (pt.)	2,580	2,417	2,441
Cortlandt town	26,336	14,144	11,016
Buchanan village	2,019	1,820	1,600
Croton-on-Hudson village	6,812	4,637	3,843
Eastchester town	33,613	27,174	23,492
Bronxville village	6,744	6,778	6,888
Tuckahoe village	6,423	5,991	6,363
Greenburgh town	76,213	47,527	40,145
Ardsley village[36]	3,991	1,744	1,423
Dobbs Ferry village	9,260	6,268	5,883
Elmsford village	3,795	3,147	3,078
Hastings-on-Hudson village	8,979	7,565	7,057
Irvington village	5,494	3,657	3,272
Tarrytown village	11,109	8,851	6,874
Harrison town	19,201	13,577	11,783
Lewisboro town	4,165	2,352	1,929
Mamaroneck town	29,107	25,103	22,260
Larchmont village	6,789	6,330	5,970
Mamaroneck village (pt.)[36]	10,555	8,851	7,822
Mount Pleasant town	34,955	26,022	24,138
Briarcliff Manor village (pt.)	535	407	383
North Tarrytown village[37]	8,818	8,740	8,804
Pleasantville village[38]	5,677	4,861	4,454
Mount Vernon city	76,010	71,899	67,362
New Castle town	14,388	8,802	7,903
Mount Kisco village (pt.)	4,225	3,490	3,300
New Rochelle city	76,812	59,725	58,408
North Castle town	6,797	3,855	3,306
North Salem town	2,345	1,622	1,194
WESTCHESTER COUNTY--Con.			
Ossining town	26,199	20,137	18,911
Briarcliff Manor village (pt.)[39]	4,370	2,087	1,447
Ossining village[39]	18,662	16,098	15,996
Peekskill city	18,737	17,731	17,311
Pelham town	13,404	12,195	12,272
North Pelham village	5,326	5,046	5,052
Pelham village	1,964	1,843	1,918
Pelham Manor village	6,114	5,306	5,302
Pound Ridge town	2,373	1,234	806
Rye city	14,225	11,721	9,865
Rye town	38,147	32,796	40,135
Mamaroneck village (pt.)	7,118	6,165	5,212
Port Chester village	24,960	23,970	23,073
Scarsdale town	17,968	13,156	12,966
Scarsdale village	17,968	13,156	12,966
Somers town	5,468	3,159	2,406
Lake Shenrock (U)	1,402	...	...
White Plains city	50,485	43,466	40,327
Yonkers city	190,634	152,798	142,598
Yorktown town	16,453	4,731	3,642
Shrub Oak (U)	1,874	...	...
Yorktown (U)	3,576	...	...
Yorktown Heights (U)	2,478	...	...
WYOMING COUNTY	34,793	32,822	31,394
Arcade town	2,861	2,570	2,387
Arcade village	1,930	1,618	1,683
Attica town	5,781	5,722	5,477
Attica village (pt.)[40]	2,758	2,676	2,379
Bennington town	1,983	1,558	1,481
Castile town	2,609	2,361	2,172
Castile village	1,146	1,072	902
Perry village (pt.)	424	348	304
Covington town	827	789	698
Eagle town	896	868	922
Gainesville town	2,032	2,121	1,923
Gainesville village	369	314	283
Silver Springs village	726	830	766
Genesee Falls town	397	436	413
Java town	1,797	1,435	1,364
Middlebury town	1,416	1,248	1,123
Wyoming village	526	508	430
Orangeville town	633	648	699
Perry town	5,372	5,342	5,251
Perry village (pt.)	4,205	4,185	4,164
Pike town	878	885	838
Pike village	345	286	307
Sheldon town	1,898	1,618	1,378
Warsaw town	4,803	4,585	4,452
Warsaw village	3,653	3,713	3,554
Wethersfield town	650	616	616
YATES COUNTY	18,614	17,615	16,381
Barrington town	754	771	782
Benton town	2,093	1,866	1,879
Penn Yan village (pt.)	351	384	279
Italy town	428	455	457
Jerusalem town	2,847	2,732	2,043
Penn Yan village (pt.)	87	7	...
Middlesex town	817	765	764
Milo town	6,965	6,576	6,377
Penn Yan village (pt.)[41]	5,332	5,090	5,029
Potter town	1,106	1,157	1,109
Rushville village (pt.)	306	324	307
Starkey town	2,597	2,345	2,205
Dundee village	1,468	1,165	1,168
Torrey town	1,007	948	765
Dresden village	437	373	257

[1] ALBANY.—Part of Coeymans town annexed to Ravena village. Parts of Colonie town annexed to Colonie and Menands villages. Part of New Scotland town annexed to Voorheesville village.

[2] ALLEGANY.—Part of Wellsville town annexed to Wellsville village.

[3] BROOME.—Part of Dickinson town annexed to Binghamton city and part of Binghamton city detached and area annexed to Dickinson town.

[4] CATTARAUGUS.—Parts of Allegany town annexed to Allegany village. Part of Persia town annexed to Gowanda village. Part of Yorkshire town annexed to Delevan village.

[5] CHAUTAUQUA.—Part of Chautauqua town annexed to Mayville village. Part of Dunkirk town annexed to Dunkirk city. Part of Ellicott town annexed to Falconer village.

[6] CHEMUNG.—Part of Elmira town annexed to Elmira city. Part of Horseheads town annexed to Horseheads village.

[7] DELAWARE.—Downsville village disincorporated and area reverted to Colchester town. Part of Sidney town annexed to Sidney village.

[8] DUTCHESS.—Part of Northeast town annexed to Millerton village. Part of Wappinger town annexed to Wappingers Falls village.

[9] ERIE.—Part of Amherst town annexed to Williamsville village. Parts of Hamburg town annexed to Blasdell and Hamburg villages. Part of Newstead town annexed to Akron village. Part of Orchard Park town annexed to Orchard Park village.

[10] LIVINGSTON.—Part of Caledonia town annexed to Caledonia village. Part of Lima town annexed to Lima village. Part of Livonia town annexed to Livonia village. Part of North Dansville town annexed to Dansville village.

[11] MADISON.—Part of Hamilton town annexed to Hamilton village. Part of Lenox town annexed to Canastota village. Parts of Sullivan town annexed to Chittenango village.

[12] MONROE.—Parts of Irondequoit, Brighton, Greece, Gates, and Chili towns annexed to Rochester city. Part of Rochester city annexed to Chili town. Part of Clarkson town annexed to Brockport village. Part of Ogden town annexed to Spencerport village. Parts of Perinton and Pittsford towns annexed to East Rochester village. Part of Perinton town annexed to Fairport village. Part of Riga town annexed to Churchville village. Part of Webster town annexed to Webster village. Part of Wheatland town annexed to Scottsville village.

[13] MONTGOMERY.—Part of Canajoharie town annexed to Canajoharie village.

[14] NASSAU.—Parts of Hempstead town annexed to Cedarhurst, East Rockaway, Floral Park, Freeport, Garden City, Hempstead, Hewlett Harbor, Malverne, and Rockville Centre villages. Parts of Garden City village detached and area annexed to Stewart Manor and Hempstead villages and parts of Stewart Manor and Hempstead villages detached and area

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Table 7.—POPULATION OF COUNTIES, BY MINOR CIVIL DIVISIONS: 1940 TO 1960—Con.

[28] ONEIDA.—Parts of New Hartford town annexed to New Hartford and New York Mills villages and Utica city and part of Utica city detached and area annexed to New Hartford town. Part of Vernon town annexed to Sherrill city and Vernon village.

[29] ONONDAGA.—Part of Camillus town annexed to Camillus village. Part of Clay town annexed to North Syracuse village. Part of Elbridge town annexed to Elbridge village. Part of Lysander town annexed to Baldwinsville village. Part of Manlius town annexed to Fayetteville village. Part of Onondaga town annexed to Syracuse city. Part of Salina town annexed to Liverpool village.

[30] ONTARIO.—Part of East Bloomfield town annexed to East Bloomfield village. Part of Geneva town annexed to Geneva city.

[31] ORANGE.—Part of Blooming Grove town annexed to Washingtonville village. Part of Chester town annexed to Chester village. Part of Goshen town annexed to Goshen village. Part of Hamptonburgh and Montgomery towns annexed to Maybrook village. Part of Highlands town annexed to Highland Falls village. Part of Wallkill town annexed to Middletown city. Part of Monroe town annexed to Monroe village. Part of Montgomery town annexed to Montgomery village. Tuxedo Park village incorporated from part of Tuxedo town. Part of Warwick town annexed to Warwick village.

[32] ORLEANS.—Part of Ridgeway town annexed to Medina village.

[33] OSWEGO.—Part of Granby town annexed to Fulton city.

[34] ROCKLAND.—Parts of Clarkstown town annexed to Nyack, Spring Valley, and Upper Nyack villages. Part of Haverstraw town annexed to West Haverstraw village. Part of Grand View-on-Hudson village detached and area reverted to Orangetown town. Part of Ramapo town annexed to Spring Valley and Suffern villages. Part of Hillburn village detached and area annexed to Suffern village and part of Suffern village detached and area annexed to Hillburn village.

[35] ST. LAWRENCE.—Part of Gouverneur town annexed to Gouverneur village. Part of Louisville town annexed to Massena village. Part of Canegatchie town annexed to Ogdensburg city. Part of Potsdam town annexed to Norwood village.

[36] SARATOGA.—Part of Moreau town annexed to South Glens Falls village.

[37] SCHUYLER.—Parts of Catharine and Montour towns annexed to Odessa village.

[38] SENECA.—Parts of Romulus and Ovid towns annexed to Ovid village.

[39] STEUBEN.—Part of Avoca town annexed to Avoca village. Part of Corning town annexed to Corning city. Part of South Corning village detached and area annexed to Corning city. Part of Erwin town annexed to Painted Post village. Part of Hornellsville town annexed to Hornell city. Part of Urbana town annexed to Hammondsport village.

[40] SUFFOLK.—Part of Brookhaven town annexed to Shoreham and Patchogue villages.

[41] SULLIVAN.—Part of Liberty town annexed to Liberty village. Part of Thompson town annexed to Monticello village.

[42] TOMPKINS.—Parts of Ithaca town annexed to Cayuga Heights village and Ithaca city.

[43] ULSTER.—Part of New Paltz town annexed to New Paltz village. Parts of Wawarsing town annexed to Ellenville village and part of Ellenville village detached and area reverted to Wawarsing town.

[44] WAYNE.—Part of Arcadia town annexed to Newark village. Sodus Point village incorporated from part of Sodus town. Part of Sodus village detached and area reverted to Sodus town.

[45] WESTCHESTER.—Part of Greenburgh town annexed to Ardsley village. Part of Mamaroneck town annexed to Mamaroneck village. Parts of Mount Pleasant town annexed to Pleasantville and North Tarrytown villages. Parts of Cortlandt town annexed to Croton and Briarcliff Manor villages.

[46] WYOMING.—Part of Attica town annexed to Attica village.

[47] YATES.—Part of Milo town annexed to Penn Yan village.

Table 8.—POPULATION OF ALL INCORPORATED PLACES AND OF UNINCORPORATED PLACES OF 1,000 OR MORE: 1940 TO 1960

["U" denotes an unincorporated place. Asterisk (*) denotes an incorporated place under 2,500 located in an urbanized area]

Place	County	1960	1950	1940
Adams	Jefferson	1,914	1,762	1,394
Addison	Steuben	2,185	1,920	1,617
Afton	Chenango	956	875	806
Akron	Erie	2,841	2,481	2,263
Albany	Albany	129,726	134,995	130,577
Albion	Orleans	5,182	4,830	4,660
Alden	Erie	2,042	1,252	954
Alexander	Genesee	335	304	265
Alexandria Bay	Jefferson	1,583	1,688	1,748
Alfred	Allegany	2,807	2,053	694
Alfisgany	Cattaraugus	2,064	1,738	1,436
Almond	Allegany Steuben	696	639	533
Altamont	Albany	1,365	1,127	890
Altmar	Oswego	277	299	304
Amagansett (U)	Suffolk	1,095	...	...
Ames	Montgomery	162	193	180
Amityville	Suffolk	8,318	6,164	5,058
Amsterdam	Montgomery	28,772	32,340	33,329
Andes	Delaware	399	430	409
Andover	Allegany	1,247	1,351	1,290
Angelica	Allegany	898	928	928
Angola	Erie	2,499	1,938	1,663
Antwerp	Jefferson	881	846	817
Arcade	Wyoming	1,930	1,818	1,683
Ardsley	Westchester	5,991	1,744	1,423
Argyle	Washington	355	351	226
Arkport	Steuben	837	701	618
Arlington (U)	Dutchess	8,317	5,374	...
Asharoken	Suffolk	253	116	48
Athens	Greene	1,754	1,343	1,655
Attica	Genesee Wyoming	2,758	2,676	2,379
Auburn	Cayuga	35,249	36,722	35,753
Aurora	Cayuga	834	711	372
Ausable Forks (U)	Clinton Essex	2,026	1,843	...
Avoca	Steuben	1,086	952	1,006
Avon	Livingston	2,772	2,412	2,339
Babylon	Suffolk	11,362	6,015	4,742
Bainbridge	Chenango	1,712	1,305	1,450
Baldwin (U)	Nassau	30,204	...	...
Baldwinsville	Onondaga	5,985	4,495	3,840
Ballston Spa	Saratoga	4,991	4,937	4,434
Balmville (U)	Orange	1,538	...	...
Barker	Niagara	528	523	452
Batavia	Genesee	18,210	17,799	17,267
Bath	Steuben	6,166	5,416	4,696
Baxter Estates*	Nassau	932	862	760
Bayville	Nassau	3,962	1,981	1,516
Beacon	Dutchess	13,922	14,012	12,972
Bellerose*	Nassau	1,083	1,134	1,317
Belle Terre	Suffolk	295	120	89
Bellmore (U)	Nassau	12,784	...	...
Bellport	Suffolk	2,461	1,449	650
Belmont	Allegany	...	...	...
Bemus Point	Chautauqua	1,000	1,000	1,000
Bergen	Genesee	1,000	1,000	1,000
Berlin	Rensselaer	1,000	1,000	1,000
Bethlehem	Albany	1,000	1,000	1,000
Big Flats	Chemung	1,000	1,000	1,000
Binghamton	Broome	1,000	1,000	1,000
Blasdell	Erie	1,000	1,000	1,000
Bloomfield	Ontario	1,000	1,000	1,000
Bolivar	Allegany	1,000	1,000	1,000
Bolton Landing	Warren	1,000	1,000	1,000
Boonville	Oneida	1,000	1,000	1,000
Brentwood (U)	Suffolk	13,387	2,803	...
Brewster	Putnam	1,714	1,810	1,863
Briarcliff Manor	Westchester	5,105	2,494	1,830
Bridgewater	Oneida	373	309	238
Brightwaters	Suffolk	3,193	2,336	1,562
Brocton	Chautauqua	1,416	1,380	1,293
Bronxville	Westchester	6,744	6,778	6,888
Brookville*	Nassau	1,468	397	204
Brownville	Jefferson	1,082	1,013	907
Brushton	Franklin	353	316	487
Buchanan*	Westchester	2,019	1,820	1,600
Buffalo	Erie	532,759	580,132	575,901
Burdett	Schuyler	420	432	408
Burke	Franklin	273	316	344
Caledonia	Livingston	1,917	1,683	1,228
Cambridge	Washington	1,748	1,692	1,572
Camden	Oneida	2,694	2,407	2,021
Camillus*	Onondaga	1,416	1,225	1,133
Canajoharie	Montgomery	2,681	2,761	2,577
Canandaigua	Ontario	9,370	8,332	8,321
Canaseraga	Allegany	730	693	698
Canastota	Madison	4,896	4,458	4,150
Candor	Tioga	956	802	661
Canisteo	Steuben	2,731	2,625	2,550
Canton	St. Lawrence	5,046	4,379	3,018
Cape Vincent	Jefferson	770	812	931
Carthage	Jefferson	4,216	4,420	4,207
Cassadaga	Chautauqua	820	676	514
Castile	Wyoming	1,146	1,072	902
Castleton-on-Hudson	Rensselaer	1,732	1,751	1,515
Castorland	Lewis	321	308	309
Cato	Cayuga	476	431	412
Catskill	Greene	5,825	5,392	5,429
Cattaraugus	Cattaraugus	1,258	1,190	1,145
Cayuga	Cayuga	621	534	472
Cayuga Heights	Tompkins	2,788	1,131	651
Cazenovia	Madison	2,584	1,946	1,689
Cedarhurst	Nassau	6,956	6,051	5,463
Celoron	Chautauqua	1,507	1,555	1,349
Centereach (U)	Suffolk	8,524	...	...
Center Moriches (U)	Suffolk	2,521	1,761	...
Centerport (U)	Suffolk	3,628	...	...
Central Square	Oswego	935	665	568
Centre Island	Nassau	270	199	134
Champlain	Clinton	1,549	1,505	1,354
Chateaugay	Franklin	1,097	1,234	1,183
Chatham	Columbia	2,426	2,304	2,254
Chaumont	Jefferson	523	513	534
Cheektowaga-Northwest (U)	Erie	52,362	...	...
Cheektowaga-Southwest (U)	Erie	12,766	...	...
Cherry Creek	Chautauqua	649	631	529
Cherry Valley	Otsego	668	760	704
Chester	Orange	1,492	1,215	1,140

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[36] ORLEANS.—Part of Ridgeway town annexed to Medina village.

[37] ORWEGO.—Part of Granby town annexed to Fulton city.

[38] ROCKLAND.—Parts of Clarkstown town annexed to Nyack, Spring Valley, and Upper Nyack villages. Part of Haverstraw town annexed to West Haverstraw village. Part of Grand View-on-Hudson village detached and area reverted to Orangetown town. Part of Ramapo town annexed to Spring Valley and Suffern villages. Part of Hillburn village detached and area annexed to Suffern village and part of Suffern village detached and area annexed to Hillburn village.

...village detached and area ...to Wyoming town.

[39] WAYNE.—Part of Arcadia town annexed to Newark village. Sodus Point village incorporated from part of Sodus town. Part of Sodus village detached and area reverted to Sodus town.

[39] WESTCHESTER.—Part of Greenburgh town annexed to Ardsley village. Part of Mamaroneck town annexed to Mamaroneck village. Parts of Mount Pleasant town annexed to Pleasantville, and North Tarrytown villages. Parts of Ossining town annexed to Ossining and Briarcliff Manor villages.

[40] WYOMING.—Part of Attica town annexed to Attica village.

[41] YATES.—Part of Milo town annexed to Penn Yan village.

Table 8.—POPULATION OF ALL INCORPORATED PLACES AND OF UNINCORPORATED PLACES OF 1,000 OR MORE: 1940 TO 1960.

["U" denotes an unincorporated place. Asterisk (*) denotes an incorporated place under 2,500 located in an urbanized area]

Place	County	1960	1950	1940
Adams	Jefferson	1,914	1,762	1,594
Addison	Steuben	2,185	1,920	1,617
Afton	Chenango	956	875	806
Akron	Erie	2,841	2,481	2,263
Albany	Albany	129,726	134,995	130,577
Albion	Orleans	5,182	4,850	4,660
Alden	Erie	2,042	1,252	954
Alexander	Genesee	335	304	265
Alexandria Bay	Jefferson	1,383	1,488	1,748
Alfred	Allegany	2,807	2,093	694
Allegany	Cattaraugus	2,064	1,738	1,436
Almond	Allegany Steuben	696	699	533
Altamont	Albany	1,365	1,127	890
Altmar	Oswego	277	299	304
Amagansett (U)	Suffolk	1,095	...	...
Ames	Montgomery	162	193	180
Amityville	Suffolk	8,318	6,166	5,058
Amsterdam	Montgomery	28,772	32,260	33,329
Andes	Delaware	399	430	409
Andover	Allegany	1,247	1,351	1,290
Angelica	Allegany	898	928	928
Angola	Erie	2,499	1,936	1,663
Antwerp	Jefferson	881	846	817
Arcade	Wyoming	1,930	1,818	1,683
Ardsley	Westchester	3,991	1,744	1,423
Argyle	Washington	355	351	226
Arkport	Steuben	837	701	618
Arlington (U)	Dutchess	8,317	5,374	...
Armonk	Suffolk	253	116	48
[redacted]	Greene	1,754	1,543	1,655
Attica	Genesee Wyoming	2,758	2,676	2,379
Auburn	Cayuga	35,249	36,722	35,753
Aurora	Cayuga Clinton	834	711	372
Ausable Forks (U)	Essex	2,026	1,643	...
Avoca	Steuben	1,586	952	1,006
Avon	Livingston	2,772	2,412	2,389
Babylon	Suffolk	11,062	6,015	4,742
Bainbridge	Chenango	1,712	1,505	1,450
Baldwin (U)	Nassau	30,204	...	...
Baldwinsville	Onondaga	5,985	4,495	3,840
Ballston Spa	Saratoga	4,991	4,937	4,434
Balmville (U)	Orange	1,538	...	...
Barker	Niagara	528	523	452
Batavia	Genesee	18,210	17,799	17,267
Bath	Steuben	6,166	5,416	4,696
Baxter Estates*	Nassau	932	862	760
Bayville	Nassau	3,962	1,981	1,516
Beacon	Dutchess	13,922	14,012	12,772
Bellerose*	Nassau	1,083	1,134	1,317
Belle Terre	Suffolk	295	120	89
Bellmore (U)	Nassau	12,784	...	...
Bellport	Suffolk	2,461	1,449	650
Belmont	Allegany	1,146	1,211	1,146
Bemus Point	Chautauqua	443	424	290
Bergen	Genesee	964	786	658
Bethpage-Old Bethpage (U)	Nassau	20,315	...	...
Binghamton	Broome	75,941	80,674	78,309
Black River	Jefferson	1,237	1,062	897
Blasdell	Erie	3,909	3,127	2,322
Bloomingburgh	Sullivan	303	263	197
Bloomingdale	Essex	490	476	446
Bolivar	Allegany	1,405	1,490	1,344
Boonville	Oneida	2,403	2,329	2,076
Brentwood (U)	Suffolk	15,387	2,803	...
Brewster	Putnam	1,714	1,810	1,863
Briarcliff Manor	Westchester	5,105	2,494	1,836
Bridgewater	Oneida	373	309	238
Brightwaters	Suffolk	3,193	2,356	1,562
Brocton	Fulton	1,438	1,400	1,399
Brockport	Monroe	5,256	4,748	3,990
Brocton	Chautauqua	1,416	1,380	1,293
Bronxville	Westchester	6,744	6,778	6,888
Brookville*	Nassau	1,468	337	204
Brownville	Jefferson	1,082	1,013	907
Brushton	Franklin	353	316	487
Buchanan*	Westchester	2,019	1,820	1,600
Buffalo	Erie	532,759	580,132	575,901
Burdett	Schuyler	420	432	408
Burke	Franklin	273	316	344
Caledonia	Livingston	1,917	1,683	1,226
Cambridge	Washington	1,748	1,692	1,972
Camden	Oneida	2,694	2,407	2,021
Camillus*	Onondaga	1,416	1,225	1,133
Canajoharie	Montgomery	2,681	2,761	2,977
Canandaigua	Ontario	9,370	8,332	8,321
Canaseraga	Allegany	730	693	698
Canastota	Madison	4,896	4,458	4,150
Candor	Tioga	956	802	661
Canisteo	Steuben	2,731	2,625	2,550
Canton	St. Lawrence	5,046	4,379	3,018
Cape Vincent	Jefferson	770	812	931
Carthage	Jefferson	4,216	4,420	4,207
Cassadaga*	Chautauqua	820	876	514
Castile	Wyoming	1,146	1,072	902
Castleton-on-Hudson	Rensselaer	1,752	1,751	1,515
Castorland	Lewis	321	308	309
Cato	Cayuga	476	431	412
Catskill	Greene	5,825	5,392	5,429
Cattaraugus	Cattaraugus	1,258	1,190	1,145
Cayuga	Cayuga	621	534	472
Cayuga Heights	Tompkins	2,788	1,131	631
Cazenovia	Madison	2,584	1,946	1,689
Cedarhurst	Nassau	6,954	6,051	5,463
Celoron	Chautauqua	1,507	1,555	1,349
Centereach (U)	Suffolk	8,524	...	...
Center Moriches (U)	Suffolk	2,521	1,761	...
Centerport (U)	Suffolk	3,628	...	...
Central Square	Oswego	935	665	568
Centre Island	Nassau	270	199	134
Champlain	Clinton	1,349	1,505	1,354
Chateaugay	Franklin	1,097	1,234	1,183
Chatham	Columbia	2,426	2,304	2,254
Chaumont	Jefferson	523	513	534
Cheektowaga-Northwest (U)	Erie	52,362	...	...
Cheektowaga-Southwest (U)	Erie	12,766	...	...
Cherry Creek	Chautauqua	649	631	529
Cherry Valley	Otsego	668	760	704
Chester	Orange	1,492	1,215	1,140
Chittenango	Madison	3,180	1,307	885
Churchville	Monroe	1,003	755	601
Clarence (U)	Erie	1,456	1,018	...
Clark Mills (U)	Oneida	1,148	...	...
Clayton	Jefferson	1,996	1,981	1,999
Clayville	Oneida	686	719	711
Cleveland	Oswego	732	555	440
Clifton Springs	Ontario	1,953	1,838	1,413
Clinton	Oneida	1,855	1,630	1,478
Clyde	Wayne	2,693	2,492	2,356
Cobleskill	Schoharie	3,471	3,208	2,617

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Table 8.—POPULATION OF ALL INCORPORATED PLACES AND OF UNINCORPORATED PLACES OF 1,000 OR MORE: 1940 TO 1960—Con.

["U" denotes an unincorporated place. Asterisk (*) denotes an incorporated place under 2,500 located in an urbanized area]

Place	County	1960	1950	1940
Cohocton	Steuben	929	943	931
Cohoes	Albany	20,129	21,272	21,933
Cold Brook	Herkimer	372	342	271
Cold Spring	Putnam	2,083	1,788	1,897
Cold Spring Harbor (U)	Suffolk	1,705	...	...
Colonie	Albany	6,992	2,068	1,407
Commack (U)	Suffolk	9,613	...	...
Constableville	Lewis	439	378	340
Cooperstown	Otsego	2,333	2,727	2,999
Copenhagen	Lewis	673	690	608
Copiague (U)	Suffolk	14,081	...	...
Corfu	Genesee	616	542	442
Corinth	Saratoga	3,193	3,161	3,054
Corning	Steuben	17,085	17,684	16,212
Cornwall	Orange	2,785	2,211	1,978
Cornwall Southwest (U)	Orange	2,824	...	...
Cortland	Cortland	19,181	18,152	15,881
Cove Neck	Nassau	299	200	130
Cowaskie	Greene	2,849	2,722	2,352
Croghan	Lewis	821	772	801
Croton-on-Hudson	Westchester	6,812	4,837	3,843
Cuba	Allegany	1,949	1,783	1,699
Dannemora	Clinton	4,835	4,122	4,830
Dansville	Livingston	5,460	5,253	4,976
Deer Park (U)	Suffolk	16,726	...	...
Deferiet	Jefferson	470	616	620
Delanson	Schenectady	398	430	326
Delevan	Cattaraugus	777	611	554
Delhi	Delaware	2,307	2,223	1,841
Depew	Erie	13,580	7,217	6,084
Deposit	Broome / Delaware	2,025	2,016	2,028
Derby Harbor	Suffolk	19	4	34
De Ruyter	Madison	627	561	526
Dexter	Jefferson	1,009	1,098	1,109
Dobbs Ferry	Westchester	9,260	6,268	5,883
Dolgeville	Fulton / Herkimer	3,038	3,304	3,195
Dresden	Yates	437	373	257
Dryden	Tompkins	1,263	976	747
Dundee	Yates	1,468	1,165	1,168
Dunkirk	Chautauqua	18,205	18,007	17,713
Earlville	Chenango / Madison	1,004	945	864
East Aurora	Erie	6,791	5,962	5,253
East Bloomfield	Ontario	488	425	365
East Greenbush (U)	Rensselaer	1,325	...	...
East Hampton	Suffolk	1,772	1,737	1,736
East Herkimer (U)	Herkimer	1,068	...	...
East Hills	Nassau	7,184	2,547	343
East Massapequa (U)	Nassau	14,779	...	...
East Meadow (U)	Nassau	44,036	...	...
East Middletown (U)	Orange	1,752	1,485	...
East Moriches (U)	Suffolk	1,210	...	...
East Nock (U)	Suffolk	3,789	...	...
East Northport (U)	Suffolk	8,381	3,842	...
East Randolph	Cattaraugus	584	628	496
East Rochester	Monroe	8,132	7,022	6,691
East Rockaway	Nassau	10,721	7,970	5,610
East Setauket (U)	Suffolk	1,127	...	...
East Syracuse	Onondaga	4,708	4,766	4,520
East Williston	Nassau	2,940	1,734	1,152
Eden (U)	Erie	2,366	1,394	...
Edwards	St. Lawrence	658	584	624
Eggertsville (U)	Erie	44,807	...	...
Elba	Genesee	739	569	614
Elbridge	Onondaga	828	586	497
Elizabethtown	Essex	779	665	640
Ellenville	Ulster	5,003	4,225	4,000
Ellicottville	Cattaraugus	1,150	1,073	1,024
Ellisburg	Jefferson	328	285	253
Elmira	Chemung	46,517	49,716	45,106
Elmira Heights	Chemung	5,157	5,009	4,629
Elmira Southeast (U)	Chemung	6,698	...	...
Elmont (U)	Nassau	30,138	...	...
Elmsford	Westchester	3,795	3,147	3,078
Endicott	Broome	18,775	20,080	17,702
Esperance	Schoharie	314	322	219
Evans Mills	Jefferson	618	518	523
Fabius	Onondaga	378	369	308
Fair Haven	Cayuga	764	628	472
Fairport	Monroe	5,507	5,267	4,644
Fairview (U)	Dutchess	8,626	1,721	...
Falconer	Chautauqua	3,343	3,292	3,222
Farmingdale	Nassau	6,128	4,492	3,524
Farmingville (U)	Suffolk	2,134	...	...
[illegible]	Erie	422	396	...
Flower Hill	Nassau	4,394	1,948	666
Fonda	Montgomery	1,004	1,026	1,123
Forestville	Chautauqua	905	786	692
Fort Ann	Washington	453	443	439
Fort Covington	Franklin	976	891	813
Fort Edward	Washington	3,737	3,797	3,620
Fort Johnson	Montgomery	876	930	868
Fort Plain	Montgomery	2,809	2,935	2,770
Frankfort	Herkimer	3,872	3,844	3,839
Franklin	Delaware	525	558	481
Franklin Square (U)	Nassau	32,483	...	...
Franklinville	Cattaraugus	2,134	2,092	1,884
Fredonia	Chautauqua	8,477	7,095	5,738
Freeport	Nassau	34,419	24,680	20,410
Preston (U)	Suffolk	1,365	...	...
Freeville	Tompkins	471	373	379
Frewsburg (U)	Chautauqua	1,623	1,383	...
Friendship	Allegany	1,231	1,344	1,148
Fulton	Oswego	14,288	13,922	13,362
Fultonville	Montgomery	815	840	806
Gainesville	Wyoming	369	314	283
Galway	Saratoga	309	188	161
Garden City	Nassau	23,948	14,484	11,223
Garden City Park-Herricks (U)	Nassau	15,364	...	...
Geneseo	Livingston	3,284	2,838	2,144
Geneva	Ontario	17,286	17,144	15,555
Gilbertsville	Otsego	522	456	377
Glen Cove	Nassau	23,817	15,130	12,415
Glen Park	Jefferson	361	316	523
Glens Falls	Warren	18,980	19,610	18,836
Glenwood Park (U)	Orange	1,317	...	...
Gloversville	Fulton	21,741	23,634	23,329
Goshen	Orange	3,908	3,311	3,073
Gouverneur	St. Lawrence	4,946	4,916	4,478
Gowanda	Cattaraugus / Erie	3,352	3,289	3,156
Grand View-on-Hudson*	Rockland	330	302	588
Granville	Washington	2,715	2,826	3,173
Great Neck	Nassau	10,171	7,799	6,167
Great Neck Estates	Nassau	3,262	2,464	1,969
Great Neck Plaza	Nassau	4,948	4,246	2,031
Greene	Chenango	2,031	1,628	1,435
Green Island	Albany	3,533	4,016	3,988
Greenlawn (U)	Suffolk	5,422	1,000	...
Greenport	Suffolk	2,608	1,028	3,299
Greenwich	Washington	2,263	2,212	2,270
Greenwood Lake	Orange	1,236	819	483
Groton	Tompkins	2,123	2,150	2,087
Hagaman	Montgomery	1,292	1,114	933
Halesite (U)	Suffolk	2,857	...	...
Hamburg	Erie	9,145	6,938	5,467
Hamburg-Lake Shore (U)	Erie	11,527	...	...
Hamilton	Madison	3,348	3,307	1,790
Hammond	St. Lawrence	314	329	323
Hammondsport	Steuben	1,176	1,190	1,112
Hampton Bays (U)	Suffolk	1,431	1,269	...
Hancock	Delaware	1,830	1,360	1,381
Hannibal	Oswego	611	901	437
Harriman	Orange	752	676	703
Harris Hill (U)	Erie	3,944	...	...
Harrisville	Lewis	842	868	832
Hastings-on-Hudson	Westchester	8,979	7,565	7,057
Haverstraw	Rockland	5,771	5,818	5,909
Head of the Harbor	Suffolk	524	334	255
Hempstead	Nassau	34,641	29,135	20,856
Henrietta Northeast (U)	Monroe	6,403	...	...
Herkimer	Herkimer	9,396	9,400	9,634
Herman	St. Lawrence	412	347	487
Herrings	Jefferson	327	192	232
Heuvelton	St. Lawrence	810	712	630
Hewlett Bay Park*	Nassau	520	466	438
Hewlett Harbor*	Nassau	1,610	411	228
Hewlett Neck*	Nassau	507	369	252
Hicksville (U)	Nassau	50,405	...	...
Highland (U)	Ulster	2,931	3,035	...
Highland Falls	Orange	4,469	3,930	3,711
Hillburn*	Rockland	1,114	1,212	1,161
Hilton	Monroe	1,334	1,036	893
Hobart	Delaware	585	618	638
Holbrook (U)	Suffolk	3,441	...	...
Holcomb	Ontario	460	313	304
Holland Patent	Oneida	538	400	388
Holley	Orleans	1,788	1,551	1,230
Homer	Cortland	3,622	3,244	2,928
Honeoye Falls	Monroe	2,143	1,460	1,274
Hoosick Falls	Rensselaer	4,023	4,297	4,279

[fol. 32z]

Table 8.—POPULATION OF ALL INCORPORATED PLACES AND OF UNINCORPORATED PLACES OF 1,000 OR MORE: 1940 TO 1960—Con.

["U" denotes an unincorporated place. Asterisk (*) denotes an incorporated place under 2,500 located in an urbanized area]

Place	County	1960	1950	1940
Hyde Park (U)	Dutchess	1,979	1,059	...
Ilion	Herkimer	10,199	9,363	8,927
Interlaken	Seneca	780	770	661
Inwood (U)	Nassau	10,362	...	...
Irvington	Westchester	5,494	3,657	3,272
Island Park	Nassau	3,846	2,031	1,531
Ithaca	Tompkins	28,799	29,257	19,730
Jamestown	Chautauqua	41,818	43,354	42,638
Jeffersonville	Sullivan	434	450	403
Jericho (U)	Nassau	10,795	...	...
Johnson City	Broome	19,118	19,249	18,039
Johnstown	Fulton	10,390	10,923	10,666
Jordan	Onondaga	1,390	1,295	1,215
Keeseville	Clinton / Essex	2,213	1,977	1,921
Kenmore	Erie	21,261	20,066	18,612
Kensington*	Nassau	1,166	978	933
Kinderhook	Columbia	1,078	853	745
Kings Park (U)	Suffolk	4,949	10,960	...
Kings Point	Nassau	5,410	2,445	1,247
Kingston	Ulster	29,260	28,817	28,589
Lackawanna	Erie	29,564	27,658	24,058
Laona	Oswego	556	540	413
Lake Carmel (U)	Putnam	2,735	1,055	...
Lake Erie Beach (U)	Erie	2,117	...	...
Lake George	Warren	1,026	1,005	803
Lake Katrine (U)	Ulster	1,149	...	...
Lake Placid	Essex	2,998	2,999	3,136
Lake Ronkonkoma (U)	Suffolk	4,841	...	...
Lake Shenorock (U)	Westchester	1,402	...	...
Lake Success	Nassau	2,954	1,264	203
Lakewood	Chautauqua	3,933	3,013	2,314
Lancaster	Erie	12,254	8,665	7,236
Larchmont	Westchester	6,789	6,330	5,970
Lattingtown*	Nassau	1,461	745	613
Laurel Hollow	Nassau	834	169	110
Laurens	Otsego	291	261	203
Lawrence	Nassau	5,907	4,681	3,649
Leicester	Livingston	365	364	327
Le Roy	Genesee	4,662	4,721	4,413
Levittown (U)	Nassau	68,276	...	...
Lewiston	Niagara	3,320	1,626	1,280
Liberty	Sullivan	4,704	4,658	3,788
Lima	Livingston	1,366	1,147	942
Limestone	Cattaraugus	339	601	558
Lincoln Park (U)	Ulster	2,707	1,527	...
Lindenhurst	Suffolk	20,905	8,644	4,756
Lisle	Broome	335	306	342
Little Falls	Herkimer	8,935	9,541	10,163
Little Valley	Cattaraugus	1,244	1,287	1,234
Liverpool	Onondaga	3,487	2,933	2,500
Livingston Manor (U)	Sullivan	2,080	...	...
Livonia	Livingston	946	837	751
Lloyd Harbor	Suffolk	2,521	945	603
Lockport	Niagara	26,443	25,133	24,379
Locust Grove (U)	Nassau	11,558	...	...
Lodi	Seneca	396	362	366
Long Beach	Nassau	26,473	15,586	9,036
Lowville	Lewis	3,616	3,671	3,578
Lynbrook	Nassau	19,881	17,314	14,597
Lyndonville	Orleans	755	777	745
Lyons	Wayne	4,673	4,217	3,863
Lyons Falls	Lewis	887	864	818
McGraw	Cortland	1,276	1,197	1,201
Macedon	Wayne	645	614	537
Madison	Madison	327	335	300
Mahopac (U)	Putnam	1,337	...	...
Malone	Franklin	8,737	9,501	8,743
Malverne	Nassau	9,968	8,086	5,153
Mamaroneck	Westchester	17,673	15,016	13,034
Manchester	Ontario	1,344	1,262	1,330
Manlius*	Onondaga	1,997	1,742	1,520
Mannsville	Jefferson	446	378	348
Manorhaven	Nassau	3,566	1,819	484
Marathon	Cortland	1,079	1,097	955
Marcellus	Onondaga	1,697	1,382	1,112
Margaretville	Delaware	833	905	812
Marlboro (U)	Ulster	1,733	1,709	...
Massapequa (U)	Nassau	32,900	...	...
Massapequa Park	Nassau	19,904	2,334	488
Massena	St. Lawrence	15,478	13,137	11,328
Mexico	Oswego	1,465	1,398	1,348
Middleburg	Schoharie	1,317	1,298	1,074
Middleport	Niagara	1,882	1,641	1,575
Middletown	Orange	23,475	22,586	21,908
Middleville	Herkimer	648	647	612
Milford	Otsego	548	502	460
Millbrook	Dutchess	1,717	1,568	1,340
Millerton	Dutchess	1,027	1,048	933
Mill Neck*	Nassau	701	505	101
Millport	Chemung	425	362	340
Mineola	Nassau	20,919	14,831	10,684
Mineville (U)	Essex	1,181	...	...
Minoa*	Onondaga	1,838	1,008	902
Mohawk	Herkimer	3,533	3,196	2,882
Monroe	Orange	3,323	1,753	1,616
Montgomery	Orange	1,312	1,063	844
Monticello	Sullivan	5,822	4,223	3,737
Montour Falls	Schuyler	1,533	1,457	1,345
Moores	Clinton	543	496	477
Moravia	Cayuga	1,575	1,480	1,231
Morris	Otsego	677	641	599
Morristown	St. Lawrence	541	546	540
Morrisville	Madison	1,304	1,250	666
Mount Kisco	Westchester	6,805	5,907	5,941
Mount Morris	Livingston	3,250	3,430	3,530
Mount Vernon	Westchester	76,010	71,899	67,362
Munnsville	Madison	391	412	357
Munsey Park	Nassau	2,847	2,048	1,456
Muttontown*	Nassau	1,265	382	335
Naples	Ontario	1,237	1,141	1,152
Nassau	Rensselaer	1,248	952	698
Nelliston	Montgomery	729	693	638
Nelsonville	Putnam	555	522	457
Nesconset (U)	Suffolk	1,964	...	...
Newark	Wayne	12,868	10,295	9,646
Newark Valley	Tioga	1,234	1,027	949
New Berlin	Chenango	1,262	1,178	999
Newburgh	Orange	30,979	31,956	31,883
Newfane (U)	Niagara	1,423	1,578	...
New Hartford*	Oneida	2,468	1,947	1,914
New Hyde Park	Nassau	10,808	7,349	4,691
New Paltz	Ulster	3,041	2,285	1,492
Newport	Herkimer	827	752	627
New Rochelle	Westchester	76,812	59,725	38,408
New Windsor (U)	Orange	4,061	2,754	...
New York City		7,781,984	7,891,957	7,454,995
Bronx Borough	Bronx	1,424,815	1,451,277	1,394,711
Brooklyn Borough	Kings	2,627,319	2,738,175	2,698,285
Manhattan Borough	New York	1,698,281	1,960,101	1,889,924
Queens Borough	Queens	1,809,578	1,550,849	1,297,634
Richmond Borough	Richmond	221,991	191,555	174,441
New York Mills	Oneida	3,788	3,366	3,628
Niagara Falls	Niagara	102,394	90,872	78,029
Nichols	Tioga	663	578	341
Nissequogue	Suffolk	332	219	188
Norfolk (U)	St. Lawrence	1,353	1,252	...
North Bellmore (U)	Nassau	19,639	...	...
North Collins	Erie	1,574	1,325	1,182
North Haven	Suffolk	450	153	131
North Hills*	Nassau	359	330	295
North Hornell	Steuben	917	605	584
North Merrick (U)	Nassau	12,936	...	...
North New Hyde Park (U)	Nassau	17,929	...	...
North Pelham	Westchester	5,326	5,046	5,052
Northport	Suffolk	5,972	3,859	3,093
North Syracuse	Onondaga	7,412	3,356	2,083
North Tarrytown	Westchester	8,818	8,740	8,804
North Tonawanda	Niagara	34,757	24,731	20,254
North Valley Stream (U)	Nassau	17,239	...	...
Northville	Fulton	1,156	1,114	1,111
Norwich	Chenango	9,175	8,816	8,694
Norwood	St. Lawrence	2,200	1,995	1,905
Nunda	Livingston	1,224	1,224	1,077
Nyack	Rockland	6,062	5,889	5,206
Oakfield	Genesee	2,070	1,781	1,876
Ocean Beach	Suffolk	111	73	81
Oceanside (U)	Nassau	30,448	...	...
Odessa	Schuyler	573	526	424
Ogdensburg	St. Lawrence	16,122	16,166	16,346
Olcott (U)	Niagara	1,215	...	...
Old Brookville*	Nassau	1,126	644	356

[fol. 32aa]

Roseville			
Remsen			
Kensington*			
Kinderhook			
Kings Park (U)			
Kings Point			
Kingston			
Lackawanna			
Laconia			
Lake Carmel (U)			
Lake Erie Beach (U)			
Lake George			
Lake Katrine (U)			
Lake Placid			
Lake Ronkonkoma (U)			
Lake Shenorock (U)			
Lake Success			
Lakewood			
Lancaster			
Larchmont			
Lattingtown*			
Laurel Hollow			
Laurens			
Lawrence			
Leicester			
Le Roy			
Levittown (U)			
Lewiston			
Liberty			
Lima			
Limestone			
Lincoln Park (U)			
Lindenhurst			
Lisle			
Little Falls			
Little Valley			
Liverpool			
Livingston Manor (U)			
Livonia			
Lloyd Harbor			
Lockport			
Locust Grove (U)			
Lodi			
Long Beach			
Lowville			
Lynbrook			
Lyndonville			
Lyons			
Lyons Falls			
McGraw			
Macedon			
Madison			
Mahopac (U)			
Malone			
Malverne			
Mamaroneck			
Manchester			
Manlius*			
Mannsville			
Manorhaven			
Marathon			
Marcellus			
Margaretville			
Marlboro (U)			
Massapequa (U)			
Massapequa Park			
Massena			
Mastic Beach (U)			
Mastic Shirley (U)			
Matinecock*			
Mattituck (U)			
Maybrook			
Mayfield			
Mayville			
Mechanicville			
Medina			
Melrose Park (U)			
Menands*			
Meridian			
Merrick (U)			
Essex	4,213	4,977	1,921
Erie	21,261	20,066	18,612
Nassau	1,168	978	933
Columbia	1,078	853	745
Suffolk	4,949	10,960	...
Nassau	5,410	2,445	1,347
Ulster	29,260	28,817	28,589
Erie	29,564	27,658	24,058
Oswego	596	540	413
Putnam	2,735	1,055	...
Erie	2,117	...	...
Warren	1,026	1,005	803
Ulster	1,149	...	...
Essex	2,998	2,999	3,136
Suffolk	4,841	...	...
Westchester	1,402	...	...
Nassau	2,954	1,264	203
Chautauqua	3,933	3,013	2,314
Erie	12,254	8,665	7,236
Westchester	6,789	6,330	5,970
Nassau	1,461	743	613
Nassau	834	169	110
Otsego	291	261	203
Nassau	5,907	4,681	3,649
Livingston	365	364	327
Genesee	4,662	4,721	4,413
Nassau	65,276	...	...
Niagara	3,320	1,626	1,280
Sullivan	4,704	4,658	3,788
Livingston	1,366	1,147	942
Cattaraugus	539	601	558
Ulster	2,707	1,527	...
Suffolk	20,905	8,644	4,756
Broome	335	306	342
Herkimer	8,935	9,541	10,163
Cattaraugus	1,244	1,287	1,234
Onondaga	3,487	2,933	2,500
Sullivan	2,080	...	...
Livingston	946	837	751
Suffolk	2,521	945	603
Niagara	26,443	25,133	24,379
Nassau	11,558	...	...
Seneca	396	362	366
Nassau	26,473	15,586	9,036
Lewis	3,616	3,671	3,578
Nassau	19,881	17,314	14,557
Orleans	755	777	745
Wayne	4,673	4,217	3,863
Lewis	887	864	818
Cortland	1,276	1,197	1,201
Wayne	645	614	557
Madison	327	335	300
Putnam	1,337	...	...
Franklin	8,737	9,501	8,743
Nassau	9,968	8,086	5,153
Westchester	17,673	15,016	13,034
Ontario	1,344	1,262	1,330
Onondaga	1,997	1,742	1,520
Jefferson	446	378	348
Nassau	3,566	1,819	484
Cortland	1,079	1,057	955
Onondaga	1,697	1,382	1,112
Delaware	833	905	812
Ulster	1,733	1,709	...
Nassau	32,900	...	...
Nassau	19,904	2,334	488
St. Lawrence	15,478	13,137	11,328
Suffolk	3,035	1,079	...
Suffolk	3,397	...	...
Nassau	824	507	428
Suffolk	1,274	1,089	...
Orange	1,348	1,316	1,189
Fulton	818	761	759
Chautauqua	1,619	1,492	1,354
Saratoga	6,831	7,385	7,469
Orleans	6,681	6,179	5,871
Cayuga	2,098	1,803	...
Albany	2,314	2,453	1,766
Cayuga	379	334	307
Nassau	18,789	...	...
Monroe			
Montgomery			
Monticello			
Montour Falls			
Moores			
Moravia			
Morris			
Morristown			
Morrisville			
Mount Kisco			
Mount Morris			
Mount Vernon			
Munnsville			
Munsey Park			
Muttontown*			
Naples			
Nassau			
Nelliston			
Nelsonville			
Nesconset (U)			
Newark			
Newark Valley			
New Berlin			
Newburgh			
Newfane (U)			
New Hartford*			
New Hyde Park			
New Paltz			
Newport			
New Rochelle			
New Windsor (U)			
New York City			
Bronx Borough			
Brooklyn Borough			
Manhattan Borough			
Queens Borough			
Richmond Borough			
New York Mills			
Niagara Falls			
Nichols			
Nissequogue			
Norfolk (U)			
North Bellmore (U)			
North Collins			
North Haven			
North Hills*			
North Hornell			
North Merrick (U)			
North New Hyde Park (U)			
North Pelham			
Northport			
North Syracuse			
North Tarrytown			
North Tonawanda			
North Valley Stream (U)			
Northville			
Norwich			
Norwood			
Nunda			
Nyack			
Oakfield			
Ocean Beach			
Oceanside (U)			
Odessa			
Ogdensburg			
Olcott (U)			
Old Brookville*			
Old Field			
Old Westbury*			
Olean			
Oneida			
Oneida Castle			
Oneonta			
Orchard Park			
Oriskany*			
Oriskany Falls			
Ossining			
Oswego			
Otego			
Otisville			
Herkimer		3,479	2,882
Orange	3,343	1,753	1,616
Orange	1,312	1,069	844
Sullivan	5,222	4,223	3,737
Schuyler	1,533	1,457	1,345
Clinton	543	496	477
Cayuga	1,575	1,480	1,231
Otsego	677	641	599
St. Lawrence	541	546	540
Madison	1,304	1,250	666
Westchester	6,805	5,907	5,941
Livingston	3,250	3,450	3,530
Westchester	76,010	71,899	67,362
Madison	391	412	357
Nassau	2,847	2,048	1,456
Nassau	1,265	382	335
Ontario	1,237	1,141	1,152
Rensselaer	1,348	952	698
Montgomery	729	693	638
Putnam	555	522	457
Suffolk	1,964	...	...
Wayne	12,868	10,295	9,646
Tioga	1,234	1,027	949
Chenango	1,262	1,178	999
Orange	30,979	31,956	31,883
Niagara	1,423	1,378	...
Oneida	2,468	1,947	1,914
Nassau	10,808	7,349	4,691
Ulster	3,041	2,285	1,492
Herkimer	827	752	627
Westchester	76,812	59,723	58,408
Orange	4,041	2,754	...
	7,781,984	7,891,957	7,454,995
Bronx	1,424,815	1,451,277	1,394,711
Kings	2,627,319	2,738,175	2,698,285
New York	1,698,281	1,960,101	1,889,924
Queens	1,809,578	1,550,849	1,297,634
Richmond	221,991	191,555	174,441
Oneida	3,788	3,366	3,628
Niagara	102,394	90,872	78,029
Tioga	663	578	541
Suffolk	332	219	188
St. Lawrence	1,353	1,252	...
Nassau	19,639	...	...
Erie	1,574	1,325	1,182
Suffolk	450	153	131
Nassau	359	330	295
Steuben	917	605	584
Nassau	12,976	...	...
Nassau	17,929	...	...
Westchester	5,326	5,046	5,052
Suffolk	5,972	3,859	3,093
Onondaga	7,412	3,356	2,083
Westchester	8,818	8,740	8,804
Niagara	34,757	24,731	20,254
Nassau	17,239	...	...
Fulton	1,156	1,114	1,111
Chenango	9,175	8,816	8,694
St. Lawrence	2,200	1,995	1,905
Livingston	1,224	1,224	1,077
Rockland	6,062	5,889	5,206
Genesee	2,070	1,781	1,876
Suffolk	111	73	81
Nassau	30,448	...	...
Schuyler	979	726	426
St. Lawrence	16,122	16,160	16,346
Niagara	1,215	...	...
Nassau	1,126	644	356
Suffolk	373	238	123
Nassau	2,064	1,160	1,017
Cattaraugus	21,868	22,884	21,506
Madison	11,677	11,325	10,291
Oneida	754	596	554
Otsego	13,412	13,564	11,731
Erie	3,278	2,054	1,304
Oneida	1,580	1,346	1,115
Oneida	972	893	930
Westchester	18,662	16,098	15,996
Oswego	22,155	22,647	22,062
Otsego	875	699	580
Orange	836	911	889

[fol. 32aa]

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Table 8.—POPULATION OF ALL INCORPORATED PLACES AND OF UNINCORPORATED PLACES OF 1,000 OR MORE: 1940 TO 1960—Con.

["U" denotes an unincorporated place. Asterisk (*) denotes an incorporated place under 2,500 located in an urbanized area]

Place	County	1960	1950	1940
Ovid	Seneca	789	646	578
Otego	Otsego	3,417	3,350	3,068
Oxford	Chenango	1,871	1,811	1,713
Oyster Bay Cove	Nassau	988	561	466
Painted Post	Steuben	2,370	2,405	2,337
Palatine Bridge	Montgomery	378	392	385
Palmyra	Wayne	3,476	3,034	2,709
Panama	Chautauqua	450	456	374
Parish	Oswego	567	574	521
Patchogue	Suffolk	8,836	7,361	7,181
Pawling	Dutchess	1,734	1,430	1,446
Peekskill	Westchester	18,737	17,731	17,311
Pelham*	Westchester	1,964	1,843	1,918
Pelham Manor	Westchester	6,114	5,306	5,302
Penn Yan	Yates	5,770	5,481	5,308
Perry	Wyoming	4,629	4,533	4,468
Perrysburg	Cattaraugus	434	361	375
Phelps	Ontario	1,887	1,650	1,499
Philadelphia	Jefferson	868	870	722
Philmont	Columbia	1,750	1,792	1,679
Phoenix	Oswego	2,408	1,917	1,757
Piermont*	Rockland	1,906	1,897	1,876
Pike	Wyoming	345	286	307
Pine Bush (U)	Orange	1,016	...	...
Pine Hill	Ulster	180	233	242
Pittsford*	Monroe	1,749	1,668	1,544
Plainedge (U)	Nassau	21,973	...	...
Plainview (U)	Nassau	27,710	...	...
Plandome*	Nassau	1,379	1,102	897
Plandome Heights*	Nassau	1,025	882	317
Plandome Manor*	Nassau	705	323	262
Plattsburgh	Clinton	20,172	17,738	16,351
Pleasantville	Westchester	9,877	4,861	4,454
Poland	Herkimer	564	511	478
Poquott	Suffolk	295	136	73
Port Byron	Cayuga	1,201	1,013	961
Port Chester	Westchester	24,960	23,970	23,073
Port Dickinson*	Broome	2,295	2,199	2,436
Port Ewen (U)	Ulster	2,622	1,885	...
Port Henry	Essex	1,767	1,831	1,935
Port Jefferson (U)	Suffolk	2,336	3,296	...
Port Jefferson Station (U)	Suffolk	1,041	...	...
Port Jervis	Orange	9,268	9,372	9,749
Port Leyden	Lewis	898	841	784
Portville	Cattaraugus	1,336	1,151	1,018
Port Washington (U)	Nassau	15,697	...	...
Port Washington North*	Nassau	722	650	628
Potsdam	St. Lawrence	7,765	7,491	4,821
Poughkeepsie	Dutchess	38,330	41,023	40,478
Prattsburg	Steuben	690	653	635
Prumpsett	Oneida	348	318	285
Pulaski	Oswego	2,256	2,033	1,895
Quogue	Suffolk	692	625	633
Randolph	Cattaraugus	1,414	1,455	1,321
Ravena	Albany	2,410	2,006	1,810
Red Creek	Wayne	689	617	539
Red Hook	Dutchess	1,719	1,225	1,056
Remsen	Oneida	567	483	422
Rensselaer	Rensselaer	10,506	10,856	10,768
Rensselaer Falls	St. Lawrence	375	323	261
Rhinebeck	Dutchess	2,093	1,923	1,697
Richburg	Allegany	493	514	564
Richfield Springs	Otsego	1,630	1,334	1,209
Richmondville	Schoharie	743	709	598
Richville	St. Lawrence	282	254	274
Ripley (U)	Chautauqua	1,247	1,229	...
Riverhead (U)	Suffolk	5,830	4,892	...
Riverside	Steuben	1,030	818	643
Rhinebeck (U)	Dutchess	1,800	1,219	...
Rochester	Monroe	318,611	332,488	324,975
Rockville Centre	Nassau	26,355	22,362	18,613
Rocky Point (U)	Suffolk	2,261	...	...
Rome	Oneida	51,646	41,682	34,214
Ronkonkoma (U)	Suffolk	4,220	1,334	...
Ronkonkoma West (U)	Suffolk	1,446	...	...
Roosevelt (U)	Nassau	12,883	...	...
Rosendale	Ulster	1,033	883	871
Roslyn	Nassau	2,681	1,612	972
Roslyn Estates*	Nassau	1,289	612	464
Roslyn Harbor*	Nassau	925	402	303
Rotterdam (U)	Schenectady	16,871	...	...
Sands Point*	Nassau	2,161	880	688
Sandy Creek	Oswego	887	708	644
San Remo (U)	Suffolk	11,996	...	...
Saranac Lake	Essex Franklin	6,421	6,913	7,198
Saratoga Springs	Saratoga	16,630	15,473	13,709
Saugerties	Ulster	4,286	3,907	3,916
Sauquoit (U)	Oneida	1,719	1,227	...
Savannah	Wayne	602	582	601
Savona	Steuben	904	869	683
Scarsdale	Westchester	17,968	13,136	12,944
Schaghticoke	Rensselaer	720	687	603
Schenectady	Schenectady	81,682	91,785	87,549
Schenevus	Otsego	493	568	472
Schoharie	Schoharie	1,168	1,039	941
Schuylerville	Saratoga	1,383	1,314	1,447
Scotia	Schenectady	7,625	7,812	7,960
Scottsville	Monroe	1,863	1,025	983
Scranton (U)	Erie	1,078	...	...
Sea Cliff	Nassau	5,669	4,868	4,416
Seaford (U)	Nassau	14,718	...	...
Selden (U)	Suffolk	1,604	1,743	...
Seneca Falls	Seneca	7,439	6,634	6,492
Setauket (U)	Suffolk	1,207	...	...
Sharon Springs	Schoharie	351	361	433
Sherburne	Chenango	1,647	1,804	1,192
Sherman	Chautauqua	873	861	875
Sherrill	Oneida	2,922	2,236	2,184
Shoreham	Suffolk	164	90	25
Shortsville	Ontario	1,382	1,314	1,316
Shrub Oak (U)	Westchester	1,874	...	...
Sidney	Delaware	5,157	4,815	3,812
Silver Creek	Chautauqua	3,310	3,068	3,087
Silver Springs	Wyoming	726	830	744
Sinclairville	Chautauqua	726	672	585
Skaneateles	Onondaga	2,921	2,331	1,949
Sloan	Erie	3,803	4,698	3,836
Sloatsburg	Rockland	2,565	2,018	1,771
Smithtown Branch (U)	Suffolk	1,986	1,424	...
Smyrna	Chenango	286	269	254
Sodus	Wayne	1,645	1,588	1,513
Sodus Point	Wayne	868	...	...
Solvay	Onondaga	8,732	7,868	8,331
Sound Beach (U)	Suffolk	1,625	...	...
Southampton	Suffolk	4,582	4,042	3,618
South Corning	Steuben	1,448	880	681
South Dayton	Cattaraugus	696	727	643
South Fallsburgh (U)	Sullivan	1,290	1,147	...
South Farmingdale (U)	Nassau	16,318	...	...
South Floral Park*	Nassau	1,090	972	510
South Glens Falls	Saratoga	4,129	3,645	3,081
South Huntington (U)	Suffolk	7,084	1,274	...
South Nyack	Rockland	3,113	3,102	2,093
South Westbury (U)	Nassau	11,977	...	...
Speculator	Hamilton	372	370	278
Spencer	Tioga	767	694	615
Spencerport	Monroe	2,461	1,595	1,340
Spring Valley	Rockland	6,538	4,500	4,308
Springville	Erie	3,852	3,322	2,849
Stamford	Delaware	1,166	1,162	1,088
Stewart Manor*	Nassau	2,422	1,879	1,625
Stillwater	Saratoga	1,398	1,276	971
Stony Brook (U)	Suffolk	3,548	...	...
Stony Point (U)	Rockland	3,330	1,438	...
Stottville (U)	Columbia	1,040	1,020	...
Suffern	Rockland	5,094	4,010	3,768
Syracuse	Onondaga	216,038	220,583	205,967
Tannersville	Greene	380	639	640
Tarrytown	Westchester	11,109	8,851	6,874
Theresa	Jefferson	956	925	908
Thomaston	Nassau	2,767	2,045	1,159
Ticonderoga	Essex	3,568	3,317	3,402
Tivoli	Dutchess	732	753	761
Tonawanda	Erie	21,561	14,617	13,008
Tonawanda (U)	Erie	83,771	...	...
Trenton	Oneida	363	331	296
Troy	Rensselaer	67,492	72,311	70,304
Trumansburg	Tompkins	1,768	1,479	1,130
Tuckahoe	Westchester	6,423	5,991	6,363
Tully	Onondaga	803	744	719
Tupper Lake	Franklin	5,200	5,441	5,451

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Penn Yan	Yates	3,970	3,481	3,338
Perry	Wyoming	4,488	4,333	4,466
Perrysburg	Cattaraugus	434	362	373
Phelps	Ontario	1,897	1,650	1,698
Philadelphia	Jefferson	846	870	725
Philmont	Columbia	1,730	1,792	1,679
Phoenix	Oswego	2,828	1,917	1,737
Pierrepont*	Richland	1,906	1,897	1,876
Pike	Wyoming	345	286	307
Pine Bush (U)	Orange	1,824	...	...
Pine Hill	Ulster	180	233	242
Pittsford*	Monroe	1,749	1,668	1,544
Plattekill (U)	Ulster	21,973	...	...
Plattsburg (V)	Clinton	27,710	...	...
Pleasant*	Monroe	1,379	1,102	697
Pleasant Heights*	Monroe	1,025	882	317
Pleasant Valley*	Monroe	726	323	242
Plattsburgh	Clinton	20,172	17,726	14,331
Pleasantville	Westchester	5,977	4,861	4,434
Poland	Herkimer	944	811	478
Poquott	Suffolk	283	134	73
Port Byron	Cayuga	1,211	1,013	961
Port Chester	Westchester	24,980	27,970	23,073
Port Dickinson*	Broome	2,255	2,199	2,436
Port Henry (V)	Clinton	2,422	1,885	...
Port Henry	Essex	1,747	1,831	1,939
Port Jefferson (V)	Suffolk	2,335	2,296	...
Port Jefferson Station (V)	Suffolk	1,043	...	...
Port Jervis	Orange	9,246	9,372	9,749
Port Leyden	Lewis	898	841	794
Portville	Cattaraugus	1,336	1,151	1,018
Port Washington (U)	Nassau	15,457	...	...
Port Washington North*	Nassau	722	650	626
Potsdam	St. Lawrence	7,768	7,491	4,825
Poughkeepsie	Dutchess	38,330	41,023	40,478
Poughkeepsie	Steuben	680	693	635
Prospect	Oneida	348	318	285
Pulaski	Oswego	2,256	2,033	1,895
Quogue	Suffolk	692	625	533
Randolph	Cattaraugus	1,414	1,433	1,321
Ravena	Albany	2,410	2,006	1,810
Red Creek	Wayne	689	617	539
Red Hook	Dutchess	1,719	1,225	1,054
Remsen	Oneida	507	483	422
Rensselaer	Rensselaer	10,306	10,854	10,708
Rensselaer Falls	St. Lawrence	375	323	263
Rhinebeck	Dutchess	2,083	1,923	1,697
Richburg	Allegany	493	314	364
Richfield Springs	Otsego	1,430	1,334	1,209
Richmondville	Schoharie	743	709	598
Richville	St. Lawrence	292	254	274
Ripley (V)	Chautauqua	1,347	1,229	...
Riverhead (U)	Suffolk	5,830	4,892	...
Riverside	Steuben	1,030	818	643
Rockdale (U)	Dutchess	1,800	1,219	...
Rochester	Monroe	318,611	332,488	324,979
Rockville Centre	Nassau	26,353	22,362	18,613
Rocky Point (U)	Suffolk	2,361	...	...
Rome	Oneida	51,646	41,682	34,214
Roosevelt (U)	Suffolk	4,220	1,334	...
Roosevelt West (U)	Suffolk	1,446	...	...
Roosevelt (U)	Nassau	12,883	...	...
Rosendale	Ulster	1,033	883	871
Roslyn	Nassau	2,681	1,612	972
Roslyn Estates*	Nassau	1,289	612	464
Roslyn Harbor*	Nassau	925	402	303
Rotterdam (U)	Schenectady	14,871	...	...
Rouses Point	Clinton	2,160	2,001	1,846
Rushville	Ontario Yates	443	443	428
Russell Gardens*	Nassau	1,156	912	256
Rye	Westchester	14,225	11,721	9,843
Sackets Harbor	Jefferson	1,279	1,247	1,962
Saddle Rock*	Nassau	1,108	33	69
Sag Harbor	Suffolk	2,346	2,273	2,317
St. James (U)	Suffolk	3,524	1,390	...
St. Johnsville	Montgomery	2,196	2,210	2,383
Salamanca	Cattaraugus	8,480	8,861	9,011
Salem	Washington	1,076	1,067	1,034
Saltaire	Suffolk	26	21	22

Schoharie	Schoharie	1,248	Apr.	[illegible]
Schuylerville	Saratoga	1,361	1,324	1,427
Scotia	Schenectady	7,825	7,613	7,995
Scottsville	Monroe	1,843	1,829	1,889
Scriba (V)	Oswego	1,078	...	...
Sea Cliff	Nassau	3,489	4,048	4,414
Seaford (U)	Nassau	34,758	...	...
Selden (U)	Suffolk	1,804	1,313	...
Seneca Falls	Seneca	7,458	6,804	6,182
Setauket (U)	Suffolk	1,207	...	...
Severn Springs	Schoharie	351	341	433
Shelburne	Chenango	1,447	1,484	1,378
Shenorock	Chautauqua	872	881	872
Sherrill	Oneida	3,922	3,896	3,734
Shoreham	Suffolk	164	90	85
Shortsville	Ontario	1,382	1,314	1,314
Shrub Oak (U)	Westchester	1,874	...	...
Sidney	Delaware	3,177	4,815	3,812
Silver Creek	Chautauqua	3,310	3,068	3,097
Silver Springs	Wyoming	726	830	766
Sinclairville	Chautauqua	726	872	825
Skaneateles	Onondaga	2,921	2,331	1,949
Sloan	Erie	5,803	4,898	3,836
Sloatsburg	Rockland	2,343	2,018	1,771
Smithtown Branch (U)	Suffolk	1,984	1,434	...
Smyrna	Chenango	284	269	254
Sodus	Wayne	1,643	1,388	1,513
Sodus Point	Wayne	846	...	...
Solvay	Onondaga	8,732	7,866	8,321
Sound Beach (U)	Suffolk	1,625	...	...
Southampton	Suffolk	4,382	4,042	3,818
South Corning	Steuben	1,448	880	681
South Dayton	Cattaraugus	1,086	727	643
South Fallsburgh (U)	Sullivan	1,290	1,147	...
South Farmingdale (U)	Nassau	16,318	...	...
South Floral Park*	Nassau	1,080	972	910
South Glens Falls	Saratoga	4,129	3,645	3,081
South Huntington (U)	Suffolk	7,084	1,374	...
South Nyack	Rockland	3,113	3,102	2,883
South Westbury (U)	Nassau	11,977	...	...
Speculator	Hamilton	372	370	278
Spencer	Tioga	787	684	613
Spencerport	Monroe	2,441	1,985	1,340
Spring Valley	Rockland	6,538	4,900	4,328
Springville	Erie	3,852	3,322	2,849
Stamford	Delaware	1,144	1,162	1,088
Stewart Manor*	Nassau	2,422	1,879	1,425
Stillwater	Saratoga	1,388	1,276	971
Stony Brook (U)	Suffolk	3,348	...	...
Stony Point (U)	Rockland	3,330	1,438	...
Stottville (U)	Columbia	1,040	1,020	...
Suffern	Rockland	3,094	4,010	3,748
Syracuse	Onondaga	216,038	220,583	205,967
Tappanzville	Greene	380	439	440
Tarrytown	Westchester	11,109	8,851	6,874
Thurman	Jefferson	956	925	908
Thompson	Sullivan	2,787	2,045	1,139
Ticonderoga	Essex	3,368	3,317	3,402
Tivoli	Dutchess	732	753	761
Tonawanda	Erie	21,361	14,617	13,008
Tonawanda (U)	Erie	83,771	...	...
Trenton	Oneida	363	331	296
Troy	Rensselaer	67,492	72,311	70,304
Trumansburg	Tompkins	1,768	1,679	1,130
Tuckahoe	Westchester	4,423	5,981	6,583
Tully	Onondaga	803	744	719
Tupper Lake	Franklin	5,200	5,441	5,431
Turin	Lewis	323	273	247
Tuxedo Park	Orange	723	...	...
Unadilla	Otsego	1,386	1,317	1,079
Uniondale (U)	Nassau	20,041	...	...
Union Springs	Cayuga	1,044	937	925
Valatie	Columbia	1,277	1,225	1,208
Valhalla	Westchester	511	454	387
Upper Brookville*	Nassau	1,045	449	436
Upper Nyack*	Rockland	1,833	1,193	924
Utica	Oneida	100,410	101,331	100,518
Valatie	Columbia	1,277	1,225	1,208
Valley Falls	Rensselaer	389	333	344
Valley Stream	Nassau	38,429	26,834	16,879
Van Etten	Chemung	307	304	440

[fol. 32bb]

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Table 8.—POPULATION OF ALL INCORPORATED PLACES AND OF UNINCORPORATED PLACES OF 1,000 OR MORE: 1940 TO 1960—Con.

["U" denotes an unincorporated place. Asterisk (*) denotes an incorporated place under 2,500 located in an unincorporated area]

Place	County	1950	1940	1940	Place	County	1950	1940	1940
Vernon	Oneida	913	794	587	West Elmira (U)	Chemung	5,743	3,833	...
Vernon Valley (U)	Suffolk	3,998	...	...	West End (U)	Otsego	1,434	1,283	...
Victor	Ontario	1,180	1,086	1,211	Westfield	Chautauqua	3,978	3,663	3,434
Victory	Saratoga	497	488	520	West Glens Falls (U)	Warren	2,725	1,685	...
Victory Heights (U)	Chemung	2,528	1,857	...	Westhampton Beach	Suffolk	1,440	1,087	989
Village of the Branch	Suffolk	886	183	185	West Haverstraw	Rockland	9,020	3,099	2,933
Voorheesville	Albany	1,228	895	717	West Hempstead-Lakeview (U)	Nassau	34,783	...	...
Waddington	St. Lawrence	921	819	872	Westport	Essex	723	733	634
Walden	Orange	4,851	4,599	4,243	West Seneca (U)	Erie	23,138	...	...
Wallkill (U)	Ulster	1,215	1,145	...	West Winfield	Herkimer	960	832	734
Walton	Delaware	3,859	3,947	3,697	Whitehall	Washington	4,016	4,497	4,831
Wampsville	Madison	364	379	282	White Plains	Westchester	50,485	43,466	40,327
Wantagh (U)	Nassau	34,272	...	...	Whitesboro	Oneida	4,784	3,902	3,832
Wappingers Falls	Dutchess	4,447	3,480	3,427	Whitney Point	Broome	1,049	883	733
Warrensburg (U)	Warren	2,240	2,258	...	Williamson (U)	Wayne	1,690	1,520	...
Warsaw	Wyoming	3,653	3,723	3,934	Williamsville	Erie	6,316	4,640	3,614
Warwick	Orange	3,218	2,674	2,534	Williston Park	Nassau	8,293	7,305	3,730
Washington Heights (U)	Orange	1,231	...	...	Wilson	Niagara	1,320	962	849
Washingtonville	Orange	1,178	823	803	Windsor	Broome	1,026	822	766
Waterford	Saratoga	2,915	2,968	2,903	Winona Lakes (U)	Orange	1,655	...	...
Waterloo	Seneca	3,098	4,438	4,010	Wolcott	Wayne	1,641	1,316	1,326
Watertown	Jefferson	33,306	34,350	33,385	Woodhull	Steuben	321	332	339
Waterville	Oneida	1,901	1,634	1,489	Woodmere (U)	Nassau	14,011	...	...
Watervliet	Albany	15,917	15,197	14,114	Woodridge	Sullivan	1,034	951	854
Watkins Glen	Schuyler	2,813	3,052	2,913	Woodsburgh	Nassau	907	745	702
Waverly	Tioga	5,930	6,037	5,450	Wurtsboro	Sullivan	655	628	487
Wayland	Steuben	2,003	1,834	1,795	Wyoming	Wyoming	526	508	430
Webster	Monroe	3,060	1,773	1,680	Yonkers	Westchester	190,634	152,798	142,598
Weedsport	Cayuga	1,731	1,388	1,341	Yorktown (U)	Westchester	3,576	...	...
Wellsburg	Chemung	643	638	560	Yorktown Heights (U)	Westchester	2,478	...	...
Wellsville	Allegany	5,967	6,402	5,942	Yorkville	Oneida	3,749	3,528	3,311
Westbury	Nassau	14,797	7,113	4,524	Youngstown	Niagara	1,848	932	799
West Carthage	Jefferson	2,167	2,000	1,767					

Table 9.—1960 POPULATION OF AREAS ANNEXED BETWEEN 1950 AND 1960 BY INCORPORATED PLACES HAVING 2,500 INHABITANTS OR MORE IN 1950

[Minus sign (-) denotes decrease]

Incorporated place	1960 population			1950 population, total	Increase, 1950 to 1960, in 1950 area
	Total	In 1950 area	In annexed area		
Attica	2,738	2,729	29	2,676	53
Baldwinsville	5,965	5,376	609	4,495	881
Batavia	18,210	18,177	33	17,799	378
Binghamton	75,941	75,941	...	80,674	-4,733
Blasdell	5,909	5,909	...	5,127	782
Brockport	5,256	5,256	...	4,748	508
Canajoharie	2,681	2,665	16	2,761	-96
Canastota	4,896	4,896	...	4,458	438
Cedarhurst	6,954	6,832	122	6,051	781
Corning	17,085	16,973	112	17,684	-711
Dansville	5,460	5,460	...	5,253	207
Dunkirk	18,205	18,205	...	18,007	198
East Rochester	8,152	8,082	70	7,022	1,060
East Rockaway	10,721	10,273	448	7,970	2,303
Ellenville	5,003	4,643	360	4,225	418
Elmira	46,517	46,517	...	49,716	-3,199
Fairport	5,507	5,499	8	5,267	232
Falconer	3,343	3,338	5	3,292	46
Fayetteville	4,311	3,619	692	2,634	995
Floral Park	17,499	17,499	...	14,582	2,917
Freeport	34,419	33,780	639	24,680	9,100
Fulton	14,261	14,221	40	13,922	244
Garden City	23,948	23,896	52	14,486	9,462
Geneva	17,286	17,286	...	17,144	142
Goshen	3,906	2,891	1,015	3,311	-420
Gouverneur	4,946	4,908	38	4,916	-8
Granville	3,352	3,352	...	3,289	63
Hamburg	9,145	8,301	844	6,938	1,363
Hamilton	3,348	3,347	1	3,507	-160
Hempstead	34,641	34,641	...	29,135	5,506
Highland Falls	4,469	4,469	...	3,930	539
Hornell	13,907	13,907	...	15,049	-1,142
Horseheads	7,207	5,895	1,312	3,606	2,289
Ithaca	28,799	28,253	546	29,277	-1,004

Incorporated place	1960 population			1950 population, total	Increase, 1950 to 1960, in 1950 area
	Total	In 1950 area	In annexed area		
Liverpool	3,487	3,445	42	2,933	512
Lockport	26,443	26,443	...	25,133	1,310
Lowville	3,616	3,616	...	3,671	-55
Malone	8,737	8,610	127	9,501	-891
Malverne	9,968	9,819	149	8,086	1,733
Mamaroneck	17,673	17,646	27	15,016	2,630
Massena	15,478	15,386	92	13,137	2,249
Medina	6,681	6,661	20	6,179	482
Middletown	23,475	22,352	1,123	22,386	-234
Minoa	20,519	19,999	520	14,831	5,168
Monticello	5,222	4,601	621	4,223	378
Newark	12,868	12,062	806	10,295	1,767
Niagara Falls	102,394	100,720	1,674	90,872	9,848
North Tarrytown	8,818	8,771	47	8,740	31
Nyack	6,062	6,010	52	5,889	121
Ogdensburg	16,122	16,122	...	16,166	-44
Ossining	18,662	18,662	...	16,098	2,564
Patchogue	8,838	8,774	64	7,361	1,413
Penn Yan	5,770	5,743	27	5,481	262
Pleasantville	5,877	5,692	185	4,861	831
Rochester	318,611	318,593	18	332,488	-13,895
Rockville Centre	26,355	26,199	156	22,362	3,837
Saranac Lake	6,421	6,410	11	6,913	-503
Sidney	5,197	4,817	340	4,815	2
South Glens Falls	4,129	3,947	182	3,645	302
Spring Valley	6,338	5,396	942	4,900	1,496
Suffern	5,094	4,635	459	4,010	625
Syracuse	216,038	215,817	221	220,583	-4,766
Utica	100,410	99,938	472	101,331	-1,393
Wappingers Falls	4,447	4,263	184	3,490	773
Warwick	3,218	2,835	383	2,674	161
Watertown	33,306	33,306	...	34,350	-1,044
Wellsville	5,967	5,823	144	6,402	-579
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	1,317

[illegible] township	24,68[illegible]	[illegible],7[illegible]
Tenafly borough	14,264	9,651
Tetertoro borough	22	26
Upper Saddle River borough	3,970	(1)
Waldwick borough	10,495	3,963
Wallington borough	9,261	8,910
Washington township	6,654	(1)
Westwood borough	9,046	6,766
Woodcliff Lake borough	2,742	(2)
Wood-Ridge borough	7,964	6,283
Wyckoff township	11,205	2,319
Essex County (part)	920,659	899,232
Belleville town	35,005	32,019
Bloomfield town	51,887	49,307
Caldwell borough	6,942	6,270
Caldwell township (part)	434	(1)
Cedar Grove township	14,603	8,022
East Orange city	77,259	79,340
Essex Falls borough	2,174	1,617
Glen Ridge borough	8,322	7,620
Irvington town	59,379	59,201
Livingston township	23,124	7,687
Maplewood township	23,977	25,201
Millburn township	18,799	13,775
Montclair town	43,129	43,927
Newark city	405,220	438,776
North Caldwell borough	4,163	(1)
Nutley town	29,513	26,992
Orange city	35,789	38,037
Roseland borough	2,804	2,019
South Orange village	16,179	15,230
Verona borough	13,782	10,921
West Caldwell borough	8,314	4,466
West Orange town	39,895	28,805
Hudson County	610,734	647,431
Bayonne city	74,213	77,203
East Newark borough	1,872	2,173
Guttenberg town	5,118	5,366
Harrison town	11,743	13,490
Hoboken city	48,441	50,676
Jersey City	276,101	299,017
Kearny town	37,472	39,952
North Bergen township	42,387	41,554
Secaucus town	12,184	9,750
Union City	52,180	55,537
Weehawken township	13,904	14,830
West New York town	35,547	37,683
Middlesex County (part)	394,155	230,739
Carteret borough	20,502	13,030
Dunellen borough	6,840	6,291
East Brunswick township (part)	16,046	2,327
Edison township	44,799	10,824
Helmetta borough	779	580
Highland Park borough	11,049	9,721
Jamesburg borough	2,853	2,307
Madison township (part)	10,307	3,746
Metuchen borough	14,041	9,879
Middlesex borough	10,520	5,943
Milltown borough	5,435	3,786
Monroe township (part)	814	250
New Brunswick city	40,139	38,811
North Brunswick township (part)	7,514	3,684
Perth Amboy city	38,007	41,330
Piscataway township (part)	17,425	5,602
Sayreville borough	22,553	10,338
South Amboy city	8,422	8,422
South Plainfield borough	17,879	8,006
South River borough	13,397	11,306
Spotswood borough	5,758	2,325
Woodbridge township	78,846	32,227
Morris County (part)	189,851	93,732
Boonton town	7,981	7,163
Butler borough	5,414	4,050
Chatham borough	9,517	7,390
Chatham township (part)	4,943	392
Denville township (part)	7,660	2,783
Dover town	13,034	11,174
Florham Park borough	7,222	2,385
Hanover township (part)	6,805	(3)
Kinnelon borough	4,431	(4)
Lincoln Park borough	6,048	3,376
Madison borough	15,122	10,417

[illegible] township (part)	4,141	1,341
Riverdale borough	2,596	1,352
Roxbury borough	9,413	3,812
Roxbury township (part)	5,213	390
Victory Gardens borough	5,296	(3)
Wharton borough	1,083	(4)
	5,006	3,853
Passaic County (part)	396,461	322,283
Bloomingdale borough	5,293	3,251
Clifton city	82,084	64,511
Haledon borough	6,161	6,204
Hawthorne borough	17,735	14,816
Little Falls township	9,730	5,513
North Haledon borough	6,026	3,550
Passaic city	53,963	57,702
Paterson city	143,663	139,336
Pompton Lakes borough	9,445	4,634
Prospect Park borough	5,201	5,242
Ringwood borough	4,182	(1)
Totowa borough	10,897	6,045
Wanaque borough	7,126	4,222
Wayne township	29,353	3,306
West Paterson borough	7,802	3,931
Somerset County (part)	83,977	57,147
Bound Brook borough	10,263	8,374
Bridgewater township (part)	6,511	2,563
Franklin township (part)	10,430	3,422
Green Brook township (part)	2,852	(1)
Manville borough	10,995	8,597
North Plainfield borough	16,993	12,766
Raritan borough	6,137	5,131
Somerville borough	12,458	11,971
South Bound Brook borough	3,626	2,905
Watchung borough	3,312	1,981
Union County	504,255	393,327
Berkeley Heights township	8,721	622
Clark township	12,195	3,640
Cranford township	26,424	18,602
Elizabeth city	107,698	112,817
Fanwood borough	7,963	3,228
Garwood borough	5,426	4,622
Hillside township	22,304	21,007
Kenilworth borough	8,379	4,922
Linden city	39,931	30,644
Mountainside borough	6,325	2,046
New Providence borough	10,243	3,380
Plainfield city	45,330	42,366
Rahway city	27,699	21,290
Roselle borough	21,032	17,681
Roselle Park borough	12,546	11,537
Scotch Plains township	18,491	8,104
Springfield township	14,467	7,017
Summit city	23,877	17,929
Union township	51,499	37,906
Westfield town	31,447	21,263
Winfield township	2,458	2,719

ROCHESTER (N.Y.) URBANIZED AREA

The area	493,402	409,149
Rochester city	318,611	332,488
Outside central city	174,791	76,661

The area includes the following minor civil divisions and parts of minor civil divisions:

Monroe County (part)	493,402	409,149
Brighton town (part)	26,235	14,028
Chili town (part)	4,644	90
Gates town (part)	10,634	2,872
Greece town (part)	41,421	18,893
Irondequoit town	55,337	29,692
Penfield town (part)	5,862	(2)
Perinton town (part)	12,109	3,183
East Rochester village (part)	3,214	2,864
Fairport village	5,307	(2)
Pittsford town (part)	12,364	7,670
East Rochester village (part)	4,938	4,158
Pittsford village	1,749	1,668
Rochester city	318,611	332,488
Webster town (part)	6,165	233

1 Not in area in 1950.
2 Name changed from Saddle River since 1950.
3 Name changed from Raritan since 1950.
4 Incorporated since 1950.
5 Name changed from New Providence since 1950.

[fol. 32ff]

[fol. 32cc]

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Warrensburg (V)	Warren	2,4[illegible]	2,[illegible]	...	[illegible]	[illegible]	...	...	
Warsaw	Wyoming	3,453	3,713	3,594	Williamsville	Erie	6,316	6,449	3,614
Warwick	Orange	3,218	2,674	2,594	Williston Park	Nassau	8,295	7,305	5,750
Washington Heights (V)	Orange	1,231	...	...	Wilson	Niagara	1,320	962	849
Waterford	Saratoga	1,178	823	881	Windsor	Broome	1,026	832	764
Waterford	Saratoga	2,919	2,948	2,983	Winona Lake (V)	Orange	1,433	...	...
Waterloo	Seneca	5,098	4,438	4,080					
Watertown	Jefferson	33,306	34,350	33,283	Wolcott	Wayne	1,441	1,316	1,326
Waterville	Oneida	1,901	1,634	1,489	Woodhull	Steuben	321	332	339
Watervliet	Albany	15,917	15,197	14,114	Woodmere (V)	Nassau	14,011	...	...
Watkins Glen	Schuyler	2,813	3,082	2,913	Woodridge	Sullivan	1,034	951	834
					Woodstock	Ulster	907	745	702
Wayland	Steuben	3,930	4,037	3,480					
Wayland	Steuben	2,003	1,834	1,793	Worcester	Otsego	1,[illegible]	1,[illegible]	1,[illegible]
Webster	Monroe	3,060	1,773	1,680	Wyoming	Wyoming	535	508	430
Weedsport	Cayuga	1,731	1,588	1,341	Yonkers	Westchester	190,634	152,798	148,598
Wellsburg	Chemung	643	638	580	Yorktown (T)	Westchester	3,576	...	...
					Yorktown Heights (V)	Westchester	2,478	...	...
Wellsville	Allegany	5,967	6,402	5,942	Yorkville	Oneida	3,749	3,528	3,311
Westbury	Nassau	14,737	7,112	4,524	Youngstown	Niagara	1,848	932	799
West Carthage	Jefferson	2,167	2,000	1,787					

Table 9.—1960 POPULATION OF AREAS ANNEXED BETWEEN 1950 AND 1960 BY INCORPORATED PLACES HAVING 2,500 INHABITANTS OR MORE IN 1950

[Minus sign (–) denotes decrease]

Incorporated place	1960 population			1950 population, total	Increase, 1950 to 1960, in 1950 area	Incorporated place	1960 population			1950 population, total	Increase, 1950 to 1960, in 1950 area
	Total	In 1950 area	In annexed area				Total	In 1950 area	In annexed area		
Attica	2,758	2,729	29	2,876	33	Liverpool	3,487	3,445	42	2,933	512
Baldwinsville	3,985	3,376	609	4,495	881	Lockport	26,443	26,443	...	25,133	1,310
Batavia	18,230	18,177	53	17,799	378	Lowville	3,616	3,616	...	3,671	-55
Binghamton	75,941	75,941	...	80,674	-4,733	Malone	8,737	8,610	127	9,301	-691
Blasdell	3,909	3,909	...	3,127	782	Malverne	9,968	9,819	149	8,086	1,733
Brockport	3,256	3,256	...	4,748	508	Mamaroneck	17,673	17,646	27	15,016	2,630
Canajoharie	2,681	2,665	16	2,781	-96	Massena	13,478	13,386	92	13,177	2,249
Canastota	4,896	4,896	...	4,458	438	Medina	6,681	6,661	20	6,179	482
Cedarhurst	6,954	6,832	122	6,051	781	Middletown	23,475	22,352	1,123	22,586	-234
Corning	17,085	16,973	112	17,684	-711	Mineola	20,319	19,999	320	14,831	5,168
Dansville	5,460	5,460	...	5,253	207	Monticello	5,222	4,601	621	4,223	378
Dunkirk	18,205	18,205	...	18,007	198	Newark	12,868	12,062	806	10,295	1,767
East Rochester	8,152	8,082	70	7,022	1,060	Niagara Falls	102,394	100,720	1,674	90,872	9,848
East Rockaway	10,721	10,273	448	7,970	2,303	North Tarrytown	8,818	8,771	47	8,740	31
Ellenville	5,003	4,643	360	4,225	418	Nyack	6,062	6,010	52	5,889	121
Elmira	46,317	46,317	...	49,716	-3,199	Ogdensburg	16,122	16,122	...	16,166	-44
Fairport	5,507	5,499	8	5,267	232	Oneonta	18,662	18,662	...	16,098	2,564
Falconer	3,343	3,338	5	3,292	46	Patchogue	8,838	8,774	64	7,361	1,413
Fayetteville	4,311	3,619	692	2,624	995	Penn Yan	5,770	5,743	27	5,481	262
Floral Park	17,499	17,499	...	14,582	2,917	Pleasantville	5,877	5,692	185	4,861	831
Freeport	34,419	33,780	639	24,680	9,100	Rochester	318,611	318,593	18	332,488	-13,895
Fulton	14,261	14,221	40	13,922	299	Rockville Centre	26,393	26,199	194	22,362	3,837
Garden City	23,968	23,896	52	14,486	9,41[illegible]	Saranac Lake	6,421	6,410	11	6,913	-503
Geneva	17,286	17,286	...	17,144	142	Sidney	5,177	4,817	360	4,815	2
Goshen	3,906	2,891	1,015	3,311	-420	South Glens Falls	4,129	3,947	182	3,645	302
Gouverneur	4,946	4,908	38	4,916	-8	Spring Valley	6,238	5,296	942	4,300	1,096
Gowanda	3,352	3,352	...	3,289	63	Suffern	5,084	4,633	459	4,010	625
Hamburg	9,165	8,301	864	6,938	1,363	Syracuse	216,038	215,817	221	220,583	-4,766
Hamilton	3,368	3,367	1	3,507	-140	Utica	100,410	99,938	472	101,531	-1,593
Hempstead	34,641	34,641	...	29,135	5,506	Wappingers Falls	4,447	4,263	184	3,490	773
Highland Falls	4,489	4,489	...	3,930	559						
Hornell	13,907	13,907	...	15,049	-1,142	Warwick	3,218	2,835	383	2,674	161
Horseheads	7,307	5,995	1,312	3,606	2,389	Watertown	33,306	33,306	...	34,350	-1,044
Ithaca	28,799	28,253	546	29,297	-1,004	Wellsville	5,967	5,823	144	6,402	-579
Liberty	4,704	4,704	...	4,658	46	West Haverstraw	5,020	4,416	604	3,099	1,317
Little Falls	8,935	8,907	28	9,541	-634	Williamsville	6,316	6,160	156	4,649	1,511

[fol. 32cc]

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Table 10.—POPULATION OF URBANIZED AREAS: 1960 AND 1950

Area	1960	1950
ALBANY-SCHENECTADY-TROY (N.Y.) URBANIZED AREA		
The area	495,447	415,170
In central cities	298,900	299,091
Albany	129,726	134,995
Schenectady	81,682	91,785
Troy	67,492	72,311
Outside central cities	196,547	116,079
The area includes the following minor civil divisions and parts of minor civil divisions:		
Albany County (part)	228,010	198,117
Albany city	129,726	134,995
Bethlehem town (part)	10,801	5,397
Cohoes city	20,129	21,272
Colonie town (part)	42,858	16,268
Colonie village	6,992	2,088
Menands village	2,114	2,453
Green Island town	3,533	4,016
Green Island village	3,533	4,016
Guilderland town (part)	7,046	1,052
Watervliet city	13,917	19,197
Rensselaer County (part)	88,124	90,099
Brunswick town (part)	2,000	1,362
East Greenbush town (part)	4,862	3,244
North Greenbush town (part)	2,445	1,423
Rensselaer city	10,506	10,896
Schaghticoke town (part)	819	721
Troy city	67,492	72,311
Saratoga County (part)	7,137	5,474
Ballston town (part)	1,528	(2)
Waterford town (part)	5,609	5,474
Waterford village	2,915	2,988
Schenectady County (part)	132,176	121,480
Glenville town (part)	17,878	10,112
Scotia village	7,625	7,812
Niskayuna town (part)	10,522	6,133
Rotterdam town (part)	22,094	13,430
Rotterdam (U)	14,871	(2)
Schenectady city	81,682	91,785
BINGHAMTON (N.Y.) URBANIZED AREA		
The area	158,141	144,011
Binghamton city	75,941	80,674
Outside central city	82,200	63,337
The area includes the following minor civil divisions and parts of minor civil divisions:		
Broome County (part)	158,141	144,011
Binghamton city	75,941	80,674
Binghamton town (part)	797	(2)
Chenango town (part)	4,734	2,114
Conklin town (part)	1,663	(2)
Dickinson town (part)	4,796	3,641
Port Dickinson village	2,295	2,199
Fenton town (part)	3,611	2,004
Union town (part)	58,772	51,366
Endicott village	18,775	20,050
Johnson City village	19,118	19,249
Vestal town (part)	7,867	4,212
BUFFALO (N.Y.) URBANIZED AREA		
The area	1,054,370	895,669
In central city	532,759	671,004
Buffalo	532,759	580,132
Niagara Falls	(2)	90,872
Outside central city	521,611	224,659
The area includes the following minor civil divisions and parts of minor civil divisions:		
Erie County (part)	901,597	773,312
Amherst town (part)	31,123	26,758
Eggertsville (U)	44,807	(2)
Williamsville village	6,316	4,649
Buffalo city	532,759	580,132
Cheektowaga town (part)	81,036	59,413
Cheektowaga-Northeast (U)	52,362	(2)
Cheektowaga-Southeast (U)	12,766	(2)
Depew village (part)	7,359	2,058
Sloan village	5,803	4,686
Evans town (part)	1,902	(2)
Grand Island town (part)	4,216	438
Hamburg town (part)	10,000	3,000
Hamburg village	5,000	2,000
Lackawanna city	29,564	25,978
Lancaster town (part)	3,000	1,000
Lancaster village	2,000	1,000
Tonawanda city	21,241	14,617
Tonawanda town	105,032	51,545
Kenmore village	23,261	20,084
Tonawanda (U)	83,771	(2)
West Seneca town (part)	29,973	10,143
West Seneca (U)	23,138	(2)
Niagara County (part)	132,773	122,351
Lewiston town (part)	7,739	3,463
Lewiston village	3,320	1,626
Niagara town (part)	6,786	2,704
Niagara Falls city	102,394	90,872
North Tonawanda city	34,797	24,731
Wheatfield town (part)	1,097	581
NEW YORK-NORTHEASTERN NEW JERSEY (N.Y.-N.J.) URBANIZED AREA		
The area	14,114,927	12,296,117
In central cities	8,763,015	8,629,750
New York	7,781,984	7,891,957
Newark	405,220	438,776
Jersey City	276,101	299,017
Paterson	143,663	(2)
Clifton	82,084	(2)
Passaic	53,963	(2)
Outside central cities	5,371,912	3,666,367
The area includes the following minor civil divisions and parts of minor civil divisions:		
In New York	10,236,000	9,120,255
Bronx County	1,424,815	1,451,277
Bronx Borough	1,424,815	1,451,277
Kings County	2,627,319	2,738,175
Brooklyn Borough	2,627,319	2,738,175
Nassau County (part)	1,393,450	618,887
Glen Cove city	23,817	15,130
Hempstead town	740,738	416,634
Baldwin (U)	30,204	(2)
Bellerose village	1,083	1,134
Bellmore (U)	12,784	(2)
Cedarhurst village	6,954	6,031
East Meadow (U)	44,036	(2)
East Rockaway village	10,721	7,970
Elmont (U)	30,138	(2)
Floral Park village (part)	15,121	12,183
Franklin Square (U)	32,483	(2)
Freeport village	34,419	24,680
Garden City village (part)	23,946	14,368
Hempstead village	34,641	29,135
Hewlett Bay Park village	920	466
Hewlett Harbor village	1,610	(2)
Hewlett Neck village	507	369
Inwood (U)	10,362	(2)
Island Park village	3,846	2,031
Lawrence village	5,907	4,683
Levittown (U)	65,276	(2)
Lynbrook village	19,881	17,314
Malverne village	9,968	8,086
Merrick (U)	18,789	(2)
Miscola village (part)	68	27
New Hyde Park village (part)	4,429	2,747
North Bellmore (U)	19,639	(2)
North Merrick (U)	12,976	(2)
North Valley Stream (U)	17,239	(2)
Oceanside (U)	30,448	(2)
Rockville Centre village	26,355	22,362
Roosevelt (U)	12,683	(2)
Seaford (U)	14,718	(2)
South Floral Park village	1,080	772
South Westbury (U)	11,977	(2)
Stewart Manor village	2,422	1,879
Uniondale (U)	20,061	(2)
Valley Stream village	38,429	26,834
Wantagh (U)	34,172	(2)
West Hempstead-Lakeview (U)	24,783	(2)
Woodmere (U)	14,011	(2)
Woodsburgh village	907	743
Long Beach city	26,473	19,386
North Hempstead town	219,088	138,701
Baxter Estates village	932	862
East Hills village	7,184	2,547
Oyster Bay town (part)	11,041	2,123
North Syracuse village (part)	5,151	2,123
De Witt town (part)	16,929	9,651
East Syracuse village	4,708	4,766
Geddes town (part)	19,019	11,189
Solvay village	8,732	7,864
Lysander town (part)	538	(2)
Manlius town (part)	12,893	1,008
Fayetteville village	4,311	(2)
Manlius village	1,997	(2)
Minoa village	1,836	1,008
Onondaga town (part)	4,942	1,973
Salina town (part)	31,924	16,049
Liverpool village	3,497	2,933
Syracuse city	216,038	220,583
Oneida County (part)	117,313	117,327
Deerfield town (part)	2,228	(2)
Lee town (part)	1,678	(2)
Marcy town (part)	355	(2)
New Hartford town (part)	13,834	5,033
New Hartford village	2,488	1,947
New York Mills village (part)	1,825	1,380
Rome city	51,446	(2)
Utica city	100,410	101,531
Western town (part)	142	(2)
Whitestown town (part)	17,030	10,793
New York Mills village (part)	2,183	1,986
Oriskany village	1,380	1,346
Whitesboro village	4,784	3,932
Yorkville village	3,749	3,528

[1] Not in area in 1950.
[2] Includes population (97) of part of Frankfort town not included in area in 1960.

Table 11.—POPULATION OF STANDARD METROPOLITAN STATISTICAL AREAS: 1960 AND 1950

[Data relate to areas as defined for 1960. Minus sign (-) denotes decrease]

Standard metropolitan statistical area, central city, and other component areas	1960	1950	Increase	
			Number	Percent
ALBANY-SCHENECTADY-TROY, N.Y.				
Total	657,203	589,359	68,144	11.6
In central cities	298,900	299,091	-20,191	-6.8
Albany	129,726	134,995	-5,269	-3.9
Schenectady	81,682	91,785	-10,103	-11.0
Troy	67,492	72,311	-4,819	-6.7
Outside central cities	358,603	290,268	68,335	23.4
Albany County	272,926	239,386	33,540	14.0
Rensselaer County	142,385	132,407	9,978	7.5
Saratoga County	89,096	74,869	14,227	19.0
Schenectady County	152,896	142,497	10,399	7.3
BINGHAMTON, N.Y. (Broome County)				
Total	212,661	184,698	27,963	15.1
Binghamton city	75,941	80,674	-4,733	-5.9
Outside central city	136,720	104,024	32,696	31.4
BUFFALO, N.Y.				
Total	1,306,957	1,089,230	217,727	20.0
Buffalo city	532,759	580,132	-47,373	-8.2
Outside central city	774,198	509,098	265,100	52.1
Erie County	1,064,688	899,238	165,450	18.4
Niagara County	242,269	189,992	52,277	27.5
NEW YORK, N.Y.				
Total	10,694,633	9,555,943	1,138,690	11.9
New York City	7,781,984	7,891,957	-109,973	-1.4
Outside central city	2,912,649	1,663,986	1,248,663	75.0
New York City	7,781,984	7,891,957	-109,973	-1.4
Bronx County	1,424,815	1,451,277	-26,462	-1.8
Kings County	2,627,319	2,738,175	-110,856	-4.0
New York County	1,698,281	1,960,101	-261,820	-13.4
Queens County	1,809,578	1,550,849	258,729	16.7
Richmond County	221,991	191,555	30,436	15.9
Nassau County	1,300,171	672,765	627,406	93.3
Rockland County	136,803	89,276	47,527	53.2
Suffolk County	666,784	276,129	390,655	141.5
Westchester County	808,891	625,816	183,075	29.3
ROCHESTER, N.Y. (Monroe County)				
Total	586,387	487,632	98,755	20.3
Rochester city	318,611	332,488	-13,877	-4.2
Outside central city	267,776	155,144	112,632	72.6
SYRACUSE, N.Y.				
Total	563,781	465,114	98,667	21.2
Syracuse city	216,038	220,583	-4,545	-2.1
Outside central city	347,743	244,531	103,212	42.2
Madison County	54,635	46,214	8,421	18.2
Onondaga County	423,028	341,719	81,309	23.8
Oswego County	86,118	77,181	8,937	11.6
UTICA-ROME, N.Y.				
Total	330,771	284,262	46,509	16.4
In central cities	132,056	143,213	-8,843	6.2
Utica	100,410	101,531	-1,121	-1.1
Rome	31,646	41,682	9,964	23.9
Outside central cities	198,715	141,049	57,666	26.7
Herkimer County	66,370	61,407	4,963	8.1
Oneida County	264,401	222,855	41,546	18.6

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Albany city	[illegible]	[illegible]
Bethlehem town (part)	10,801	5,337
Cohoes city	20,129	21,372
Colonie town (part)	43,898	34,248
Colonie village	6,982	2,068
Menands village	2,314	2,493
Green Island town	3,333	4,016
Green Island village	3,333	4,016
Guilderland town (part)	7,046	1,032
Watervliet city	13,917	15,197
Rensselaer County (part)	88,124	90,099
Brunswick town (part)	2,000	1,342
East Greenbush town (part)	4,862	3,246
North Greenbush town (part)	2,445	1,623
Rensselaer city	10,906	10,896
Schaghticoke town (part)	819	721
Troy city	67,492	72,321
Saratoga County (part)	7,137	5,474
Ballston town (part)	1,528	(3)
Waterford town (part)	5,609	5,474
Waterford village	2,915	2,968
Schenectady County (part)	132,176	121,480
Glenville town (part)	17,878	10,112
Scotia village	7,425	7,812
Niskayuna town (part)	10,522	6,133
Rotterdam town (part)	22,094	13,490
Rotterdam (U)	16,871	(3)
Schenectady city	81,482	91,785
BINGHAMTON (N.Y.) URBANIZED AREA		
The area	156,141	144,011
Binghamton city	75,941	80,674
Outside central city	82,200	63,337
The area includes the following minor civil divisions and parts of minor civil divisions:		
Broome County (part)	155,141	144,011
Binghamton city	75,941	80,674
Binghamton town (part)	737	(3)
Chenango town (part)	4,734	2,114
Conklin town (part)	1,663	(3)
Dickinson town (part)	4,796	3,441
Port Dickinson village	2,295	2,199
Fenton town (part)	3,611	2,004
Union town (part)	58,772	51,366
Endicott village	18,775	20,050
Johnson City village	19,118	19,249
Vestal town (part)	7,867	4,212
BUFFALO (N.Y.) URBANIZED AREA		
The area	1,054,370	895,663
In central city	532,759	671,004
Buffalo	532,759	580,132
Niagara Falls	(3)	90,872
Outside central city	521,611	224,659
The area includes the following minor civil divisions and parts of minor civil divisions:		
Erie County (part)	901,597	773,312
Amherst town (part)	51,123	38,758
Eggertsville (U)	44,807	(3)
Williamsville village	6,316	4,649
Buffalo city	532,759	580,132
Cheektowaga town (part)	81,036	39,413
Cheektowaga-Northeast (U)	52,362	(3)
Cheektowaga-Southeast (U)	12,746	(3)
Depew village (part)	7,399	2,088
Sloan village	5,803	4,696
Evans town (part)	1,902	(3)
Grand Island town (part)	4,216	438
Hamburg town (part)	21,334	8,784
Blasdell village	3,909	3,127
Hamburg-Lake Shore (U)	11,527	(3)
Lackawanna city	29,564	27,638
Lancaster town (part)	19,068	13,824
Depew village (part)	6,221	5,159
Lancaster village	12,254	8,665
Niagara town (part)	6,726	2,704
Niagara Falls city	102,394	90,872
North Tonawanda city	34,737	34,731
Wheatfield town (part)	1,097	381
NEW YORK-NORTHEASTERN NEW JERSEY (N.Y.-N.J.) URBANIZED AREA		
The area	14,114,927	12,296,117
In central cities	8,963,015	8,629,720
New York	7,781,984	7,891,957
Newark	405,220	438,776
Jersey City	276,101	299,017
Paterson	143,663	(3)
Clifton	82,084	(3)
Passaic	53,963	(3)
Outside central cities	5,371,912	3,666,397
The area includes the following minor civil divisions and parts of minor civil divisions:		
In New York	10,236,000	9,130,205
Bronx County	1,424,815	1,451,277
Bronx Borough	1,424,815	1,451,277
Kings County	2,627,319	2,738,175
Brooklyn Borough	2,627,319	2,738,175
Nassau County (part)	1,299,830	618,897
Glen Cove city	23,817	15,130
Hempstead town	740,738	416,694
Baldwin (U)	30,204	(3)
Bellerose village	1,083	1,138
Bellmore (U)	12,784	(3)
Cedarhurst village	6,934	6,051
East Meadow (U)	44,036	(3)
East Rockaway village	10,721	7,970
Elmont (U)	30,138	(3)
Floral Park village (part)	15,121	12,183
Franklin Square (U)	32,483	(3)
Freeport village	34,419	24,680
Garden City village (part)	23,946	14,368
Hempstead village	34,641	29,135
Hewlett Bay Park village	920	446
Hewlett Harbor village	1,610	(3)
Hewlett Neck village	307	289
Inwood (U)	10,362	(3)
Island Park village	3,846	2,031
Lawrence village	5,907	4,681
Levittown (U)	65,276	(3)
Lynbrook village	19,881	17,314
Malverne village	9,968	8,084
Merrick (U)	18,789	(3)
Mineola village (part)	68	27
New Hyde Park village (part)	4,429	2,747
North Bellmore (U)	19,639	(3)
North Merrick (U)	12,976	(3)
North Valley Stream (U)	17,239	(3)
Oceanside (U)	30,448	(3)
Rockville Centre village	26,355	22,362
Roosevelt (U)	12,883	(3)
Seaford (U)	14,718	(3)
South Floral Park village	1,090	972
South Westbury (U)	11,977	(4)
Stewart Manor village	2,432	1,879
Uniondale (U)	20,041	(3)
Valley Stream village	38,429	36,894
Wantagh (U)	24,172	(3)
West Hempstead-Lakeview (U)	24,783	(3)
Woodmere (U)	14,011	(3)
Woodsburgh village	907	745
Long Beach city	26,473	15,384
North Hempstead town	219,088	136,701
Barker Estates village	932	862
East Hills village	7,184	2,947
East Williston village	2,940	1,734
Floral Park village (part)	2,378	2,399
Flower Hill village	4,594	1,948
Garden City village (part)	2	118
Garden City Park-Herricks (U)	15,364	(3)
Great Neck village	10,171	7,759
Great Neck Estates village	3,262	2,464

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[illegible]

1 There were separate urbanized areas delineated for Albany-Troy and Schenectady for the 1950 Census. Data represent the combined figures for the two areas.
2 Not in area in 1950.
3 There were no unincorporated places delineated in the urbanized areas for the 1950 Census.
4 There was a separate urbanized area delineated for Niagara Falls for the 1950 Census. Data represent the combined figures for the Buffalo and Niagara Falls areas.
5 Not a central city in the 1960 Census.
6 Not a central city in the 1950 Census.

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Table 18.—POPULATION OF URBANIZED AREAS: 1960 AND 1950—Con.

Area	1960	1950
NEW YORK-NORTHEASTERN NEW JERSEY (N.Y.-N.J.) URBANIZED AREA—Con.		
In New York—Con.		
Nassau County (part)—Con.		
North Hempstead town—Con.		
Great Neck Plaza village	4,948	4,346
Kensington village	1,166	978
Kings Point village	5,410	2,443
Lake Success village	2,954	1,384
Manorhaven village	2,386	1,819
Manorhaven village (part)	20,451	14,804
Munsey Park village	2,847	2,048
New Hyde Park village (part)	6,379	4,802
North Hills village	359	(1)
North New Hyde Park (U)	17,929	(2)
Old Westbury village (part)	1,736	(1)
Plandome village	1,379	1,102
Plandome Heights village	1,025	882
Plandome Manor village	705	323
Port Washington (U)	15,697	(2)
Port Washington North village	722	630
Roslyn village	2,681	1,612
Roslyn Estates village	1,289	612
Roslyn Harbor village (part)	804	(2)
Russell Gardens village	1,156	912
Saddle Rock village	1,109	33
Sands Point village	2,161	(1)
Thomaston village	2,767	2,045
Westbury village	14,739	7,112
Williston Park village	8,255	7,305
Oyster Bay town (part)	285,534	34,836
Bayville village	3,962	(1)
Bethpage-Old Bethpage (U)	20,515	(2)
Brookville village	1,448	(1)
East Massapequa (U)	14,779	(2)
Farmingdale village	6,128	4,492
Hicksville (U)	30,405	(2)
Jericho (U)	10,795	(2)
Lattingtown village	1,461	(1)
Locust Grove (U)	11,558	(2)
Massapequa (U)	32,900	(2)
Massapequa Park village	19,904	(1)
Matinecock village	634	(1)
Mill Neck village	701	(1)
Mattituck village	1,265	(1)
Old Brookville village	1,126	(1)
Old Westbury village (part)	308	(1)
Plainedge (U)	21,973	(2)
Plainview (U)	27,710	(2)
Roslyn Harbor village (part)	121	(1)
Sea Cliff village	5,669	4,866
South Farmingdale (U)	16,318	(2)
Upper Brookville village	1,045	(1)
New York County	1,698,281	1,960,101
Manhattan borough	1,698,281	1,960,101
Putnam County (part)	332	(1)
Putnam Valley town (part)	332	...
Queens County	1,809,578	1,550,849
Queens borough	1,809,578	1,550,849
Richmond County	221,991	191,555
Richmond borough	221,991	191,555
Rockland County (part)	87,244	30,134
Clarkstown town (part)	29,034	2,616
Nyack village (part)	52	(1)
Spring Valley village (part)	497	(1)
Upper Nyack village	1,832	1,195
Orangetown town (part)	41,053	22,296
Grand View-on-Hudson village	330	302
Nyack village (part)	6,010	5,889
Piermont village	1,906	1,897
South Nyack village	3,113	3,102
Ramapo town (part)	21,157	5,225
Hillburn village	1,114	1,213
Spring Valley village (part)	5,881	(1)
Suffern village	9,094	4,010
Suffolk County (part)	324,867	29,397
Babylon town (part)	141,455	28,943
Amityville village	8,318	6,164
Babylon village	11,062	6,015
Copiague (U)	14,081	(2)
Deer Park (U)	16,726	(2)
Lindenhurst village	20,905	8,644
Brookhaven town (part)	21,408	(1)

Area	1960	1950
NEW YORK-NORTHEASTERN NEW JERSEY (N.Y.-N.J.) URBANIZED AREA—Con.		
In New York—Con.		
Westchester County (part)—Con.		
Bronxville village	6,744	6,778
Tuckahoe village	6,423	5,981
Greenburgh town	76,213	45,080
Ardsley village	3,991	1,744
Dobbs Ferry village	9,280	6,288
Elmsford village	3,795	3,147
Hastings-on-Hudson village	8,979	7,365
Irvington village	5,484	3,657
Tarrytown village	11,109	8,831
Harrison town (part)	16,757	11,255
Mamaroneck town	29,107	25,103
Larchmont village	6,789	6,330
Mamaroneck village (part)	10,555	8,831
Mount Pleasant town (part)	29,697	21,694
Briarcliff Manor village (part)	535	407
North Tarrytown village	8,818	8,740
Pleasantville village	5,877	4,861
Mount Vernon city	76,010	71,899
New Castle town (part)	6,695	4,795
Mount Kisco village (part)	4,225	3,490
New Rochelle city	76,812	59,725
North Castle town (part)	1,843	1,355
Greenburgh town (part)	25,395	18,636
Briarcliff Manor village (part)	4,970	2,087
Ossining village	18,662	16,098
Peekskill city	18,737	(1)
Pelham town	13,404	12,195
North Pelham village	5,328	5,046
Pelham village	1,984	1,843
Pelham Manor village	6,114	5,306
Rye city	14,225	11,721
Rye town (part)	37,436	32,564
Mamaroneck village (part)	7,118	6,165
Port Chester village	24,960	23,970
Scarsdale town	17,968	13,156
Scarsdale village	17,968	13,156
White Plains city	50,485	43,446
Yonkers city	190,634	152,798
Yorktown town (part)	1,529	(1)
In New Jersey	1,878,897	1,165,912
Bergen County (part)	777,205	522,026
Allendale borough	4,082	2,409
Alpine borough	921	(1)
Bergenfield borough	27,203	17,647
Bogota borough	7,963	7,662
Carlstadt borough	6,042	5,581
Cliffside Park borough	17,642	17,116
Closter borough	7,767	3,376
Cresskill borough	7,290	3,534
Demarest borough	4,231	1,786
Dumont borough	18,882	13,013
East Paterson borough	19,344	15,386
East Rutherford borough	7,769	7,438
Edgewater borough	4,113	3,932
Emerson borough	6,849	1,744
Englewood city	26,037	23,145
Englewood Cliffs borough	2,913	968
Fair Lawn borough	36,421	23,885
Fairview borough	9,399	8,661
Fort Lee borough	21,813	11,648
Franklin Lakes borough	3,316	(1)
Garfield city	29,253	27,550
Glen Rock borough	12,896	7,143
Hackensack city	30,521	29,219
Harrington Park borough	3,581	1,634
Hasbrouck Heights borough	13,046	9,181
Haworth borough	3,215	1,612
Hillsdale borough	8,734	4,127
Hohokus borough	3,988	2,254
Leonia borough	8,384	7,378
Little Ferry borough	6,175	4,355
Lodi borough	23,502	15,392
Lyndhurst township	21,867	19,874
Mahwah township (part)	4,328	2,600
Maywood borough	11,460	8,667
Midland Park borough	7,343	5,184
Montvale borough	3,699	1,856
Moonachie borough	3,052	1,773
New Milford borough	18,810	6,006
North Arlington borough	17,477	15,970
Northvale borough	2,892	1,455
Norwood borough	2,852	1,792

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Ramsey Park village	2,867	2,046
New Hyde Park village (part)	4,379	4,379
North Hills village	389	(1)
North New Hyde Park (V)	17,839	(2)
Old Westbury village (part)	1,756	(2)
Plandome village	1,979	1,102
Plandome Heights village	1,025	882
Plandome Manor village	703	123
Port Washington (V)	15,697	(2)
Port Washington North village	722	480
Roslyn village	2,681	1,612
Roslyn Estates village	1,289	412
Roslyn Harbor village (part)	804	(1)
Russell Gardens village	1,156	912
Saddle Rock village	1,109	32
Sands Point village	2,161	(1)
Thomaston village	2,787	2,045
Westbury village	14,797	7,112
Williston Park village	8,293	7,305
Oyster Bay town (part)	285,534	34,836
Bayville village	3,962	(2)
Bethpage-Old Bethpage (V)	20,315	(2)
Brookville village	1,448	(2)
East Massapequa (V)	14,779	(2)
Farmingdale village	6,128	4,492
Hicksville (V)	30,405	(2)
Jericho (V)	10,795	(2)
Lattingtown village	1,441	(2)
Locust Grove (V)	11,558	(2)
Massapequa (V)	32,900	(2)
Massapequa Park village	19,904	(2)
Matinecock village	824	(2)
Mill Neck village	701	(2)
Mittineague village	1,265	(2)
Old Brookville village	1,126	(2)
Old Westbury village (part)	308	(2)
Plainedge (V)	21,973	(2)
Plainview (V)	27,710	(2)
Roslyn Harbor village (part)	121	(2)
Sea Cliff village	5,669	4,868
South Farmingdale (V)	16,318	(2)
Upper Brookville village	1,045	(2)
New York County	1,698,281	1,960,101
Manhattan Borough	1,698,281	1,960,101
Putnam County (part)	332	(3)
Putnam Valley town (part)	332	...
Queens County	1,809,578	1,550,849
Queens Borough	1,809,578	1,550,849
Richmond County	221,991	191,555
Richmond Borough	221,991	191,555
Rockland County (part)	87,264	30,134
Clarkstown town (part)	25,034	2,616
Nyack village (part)	52	...
Spring Valley village (part)	657	(1)
Upper Nyack village	1,833	1,195
Orangetown town (part)	41,053	22,294
Grand View-on-Hudson village	330	302
Nyack village (part)	6,010	3,889
Piermont village	1,906	1,897
South Nyack village	3,113	3,102
Ramapo town (part)	21,177	5,222
Hillburn village	1,114	1,112
Spring Valley village (part)	5,881	(1)
Suffern village	5,084	4,010
Suffolk County (part)	324,867	29,397
Babylon town (part)	141,455	28,945
Amityville village	8,318	6,164
Babylon village	11,042	6,015
Copiague (V)	14,081	(2)
Deer Park (V)	16,726	(2)
Lindenhurst village	20,905	8,644
Brookhaven town (part)	21,408	(1)
Patchogue village	8,838	...
Huntington town (part)	85	(1)
Islip town (part)	161,919	412
Brentwood (V)	13,387	(2)
Brightwaters village	3,193	(2)
Westchester County (part)	743,933	539,870
Bedford town (part)	7,619	2,417
Mount Kisco village (part)	2,980	2,417
Cortlandt town (part)	21,754	4,837
Buchanan village	2,019	(1)
Croton-on-Hudson village	6,812	4,837
Hastings-on-Hudson village	8,977	7,484
Irvington village	5,484	3,657
Tarrytown village	11,109	8,831
Harrison town (part)	16,737	11,259
Mamaroneck town	29,109	25,103
Larchmont village	6,789	6,330
Mamaroneck village (part)	10,328	8,031
Mount Pleasant town (part)	29,697	21,694
Briarcliff Manor village (part)	535	407
North Tarrytown village	8,818	8,740
Pleasantville village	5,877	4,861
Mount Vernon city	78,010	71,899
New Castle town (part)	6,895	4,795
Mount Kisco village (part)	4,225	3,490
New Rochelle city	76,812	59,723
North Castle town (part)	1,843	1,335
Ossining town (part)	25,395	18,636
Briarcliff Manor village (part)	4,970	2,087
Ossining village	18,662	14,088
Peekskill city	18,737	(1)
Pelham town	13,404	12,193
North Pelham village	5,328	5,044
Pelham village	1,984	1,843
Pelham Manor village	6,114	5,306
Rye city	14,225	11,721
Rye town (part)	37,436	32,564
Mamaroneck village (part)	7,118	6,145
Port Chester village	24,940	23,970
Scarsdale town	17,948	13,136
Scarsdale village	17,948	13,136
White Plains city	50,485	43,444
Yonkers city	190,634	152,798
Yorktown town (part)	1,529	(1)
In New Jersey	3,878,897	3,165,912
Bergen County (part)	777,205	522,026
Allendale borough	4,082	2,409
Alpine borough	921	(1)
Bergenfield borough	27,203	17,647
Bogota borough	7,965	7,662
Carlstadt borough	6,042	3,791
Cliffside Park borough	17,642	17,118
Closter borough	7,767	3,776
Cresskill borough	7,290	3,324
Demarest borough	4,231	1,786
Dumont borough	18,882	13,013
East Paterson borough	19,344	19,386
East Rutherford borough	7,769	7,438
Edgewater borough	4,113	3,932
Emerson borough	6,849	1,744
Englewood city	26,037	23,143
Englewood Cliffs borough	2,913	948
Fair Lawn borough	36,421	23,883
Fairview borough	9,399	8,661
Fort Lee borough	21,815	11,848
Franklin Lakes borough	3,316	(1)
Garfield city	29,253	27,550
Glen Rock borough	12,896	7,145
Hackensack city	30,521	29,219
Harrington Park borough	3,581	1,434
Hasbrouck Heights borough	13,046	9,181
Haworth borough	3,213	1,612
Hillsdale borough	8,734	4,127
Hoboken borough	3,988	2,254
Leonia borough	8,384	7,378
Little Ferry borough	6,175	4,935
Lodi borough	23,302	15,382
Lyndhurst township	21,847	19,874
Mahwah township (part)	4,326	2,800
Maywood borough	11,460	8,667
Midland Park borough	7,543	5,144
Montvale borough	3,699	1,836
Moonachie borough	1,052	1,773
New Milford borough	18,810	6,006
North Arlington borough	17,477	13,970
Northvale borough	2,892	1,435
Norwood borough	2,832	1,792
Oakland borough	9,446	(1)
Old Tappan borough	2,330	(1)
Oradell borough	7,487	3,665
Palisades Park borough	11,943	9,633
Paramus borough	23,238	6,268
Park Ridge borough	6,389	3,189
Ramsey borough	9,527	4,670
Ridgefield borough	10,788	8,312
Ridgefield Park township	12,701	11,993
Ridgefield Park village	12,701	11,993
Ridgewood township	25,391	17,481
Ridgewood village	25,391	17,481

[1] Not in area in 1950.
[2] There were no unincorporated places delineated in the urbanized areas for the 1950 Census.

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Table 10.—POPULATION OF URBANIZED AREAS: 1960 AND 1950—Con.

Area	1960	1950
NEW YORK-NORTHEASTERN NEW JERSEY (N.Y.-N.J.) URBANIZED AREA—Con.		
In New Jersey—Con.		
Bergen County (part)—Con.		
River Edge borough	13,364	9,204
River Vale township	5,616	(1)
Rochelle Park township	6,119	4,483
Rockleigh borough	430	(1)
Rutherford borough	20,473	17,411
Saddle Brook township	13,834	7,955
Saddle River borough	1,776	(1)
South Hackensack township	1,841	1,303
Teaneck township	42,085	33,772
Tenafly borough	14,264	9,651
Teterboro borough	22	28
Upper Saddle River borough	3,970	(1)
Waldwick borough	10,495	3,963
Wallington borough	9,261	8,910
Washington township	6,654	(1)
Westwood borough	9,046	6,766
Woodcliff Lake borough	2,742	(1)
Wood-Ridge borough	7,964	6,283
Wyckoff township	11,209	2,319
Essex County (part)	920,659	899,232
Belleville town	35,005	32,019
Bloomfield town	51,867	49,307
Caldwell borough	6,942	6,270
Caldwell township (part)	424	(1)
Cedar Grove township	14,603	8,022
East Orange city	77,259	79,340
Essex Fells borough	2,174	1,617
Glen Ridge borough	8,322	7,620
Irvington town	59,379	59,201
Livingston township	23,124	7,867
Maplewood township	23,977	25,201
Millburn township	18,799	13,775
Montclair town	43,129	43,927
Newark city	405,220	438,776
North Caldwell borough	4,163	(1)
Nutley town	29,513	26,992
Orange city	35,789	38,037
Roseland borough	2,804	2,019
South Orange village	16,173	15,230
Verona borough	13,782	10,921
West Caldwell borough	8,314	4,666
West Orange town	39,895	28,605
Hudson County	610,734	647,431
Bayonne city	74,215	77,203
East Newark borough	1,872	2,173
Guttenberg town	5,118	5,566
Harrison town	11,743	13,490
Hoboken city	48,441	50,676
Jersey City	276,101	299,017
Kearny town	37,472	39,982
North Bergen township	42,387	41,554
Secaucus town	12,154	9,750
Union City	52,180	55,537
Weehawken township	13,904	14,830
West New York town	35,147	37,683
Middlesex County (part)	394,155	230,739
Carteret borough	20,502	13,030
Dunellen borough	6,840	6,291
East Brunswick township (part)	16,046	2,327
Edison township	44,799	10,824
Helmetta borough	779	580
Highland Park borough	11,049	9,721
Jamesburg borough	2,853	2,307
Madison township (part)	10,307	3,746
Metuchen borough	14,041	9,879
Middlesex borough	10,520	5,943
Milltown borough	5,435	3,786
Monroe township (part)	814	250
New Brunswick city	40,139	38,811
North Brunswick township (part)	7,514	3,684
Perth Amboy city	38,007	41,330
Piscataway township (part)	17,425	5,602
Sayreville borough	28,533	10,338
South Amboy city	8,422	8,422
South Plainfield borough	17,879	8,008
South River borough	13,397	11,308
Spotswood borough	5,788	2,325
Woodbridge township	78,846	32,227
Morris County (part)	189,851	93,732
Boonton town	7,981	7,163
Butler borough	3,414	4,030
Chatham borough	9,517	7,391
Chatham township (part)	4,943	392
Denville township (part)	7,660	2,783
Dover town	22,996	14,694
East Hanover township (part)	8,000	1,000
Florham Park borough	8,000	1,000
Hanover township (part)	15,000	5,000
Madison borough	15,000	10,000
Mendham township (part)	1,000	500
Mine Hill township (part)	3,209	765
Montville township (part)	937	(1)
Morris township (part)	8,260	3,832
Morris Plains borough	4,703	2,707
Morristown town	17,712	17,126
Mountain Lakes borough	4,037	2,806
Parsippany-Troy Hills township	25,597	2,900
Pequannock township	10,533	4,199
Randolph township (part)	2,141	1,241
Riverdale borough	2,596	1,352
Rockaway borough	5,413	3,812
Rockaway township (part)	5,213	380
Roxbury township (part)	5,256	(1)
Victory Gardens borough	1,085	(4)
Wharton borough	5,006	3,853
Passaic County (part)	398,461	322,283
Bloomingdale borough	5,293	3,251
Clifton city	82,084	44,511
Haledon borough	6,161	6,204
Hawthorne borough	17,735	14,816
Little Falls township	9,730	5,513
North Haledon borough	6,026	3,550
Passaic city	53,963	57,702
Paterson city	143,663	139,336
Pompton Lakes borough	9,449	4,634
Prospect Park borough	5,201	5,242
Ringwood borough	4,182	(1)
Totowa borough	10,897	6,045
Wanaque borough	7,126	4,222
Wayne township	29,353	1,306
West Paterson borough	7,602	3,931
Somerset County (part)	83,577	57,147
Bound Brook borough	10,263	8,374
Bridgewater township (part)	6,511	2,963
Franklin township (part)	10,430	3,422
Green Brook township (part)	2,852	(1)
Manville borough	10,995	8,597
North Plainfield borough	16,993	12,786
Raritan borough	6,177	3,131
Somerville borough	12,458	11,571
South Bound Brook borough	3,626	2,905
Watchung borough	3,312	1,818
Union County	504,295	393,322
Berkeley Heights township	8,721	622
Clark township	12,195	3,640
Cranford township	26,426	18,602
Elizabeth city	107,698	112,817
Fanwood borough	7,963	3,228
Garwood borough	5,426	4,622
Hillside township	22,304	21,007
Kenilworth borough	8,379	4,922
Linden city	39,931	30,644
Mountainside borough	6,325	2,046
New Providence borough	10,243	3,380
Plainfield city	45,330	42,366
Rahway city	27,699	21,290
Roselle borough	21,032	17,681
Roselle Park borough	12,346	11,337
Scotch Plains township	18,491	8,104
Springfield township	14,467	7,017
Summit city	23,677	17,929
Union township	51,499	37,906
Westfield town	31,447	21,243
Winfield township	2,438	2,719
ROCHESTER (N.Y.) URBANIZED AREA		
The area	493,402	409,149
Rochester city	318,611	332,488
Outside central city	174,791	76,661
The area includes the following minor civil divisions and parts of minor civil divisions:		
Monroe County (part)	493,402	409,149
Brighton town (part)	26,235	14,028
Chili town (part)	4,664	90
Gates town (part)	10,634	2,872
Greece town (part)	41,421	18,893
Irondequoit town	55,337	29,692
Penfield town (part)	5,862	(2)
Perinton town (part)	12,109	3,183
East Rochester village (part)	3,214	2,864
Fairport village	5,507	(2)

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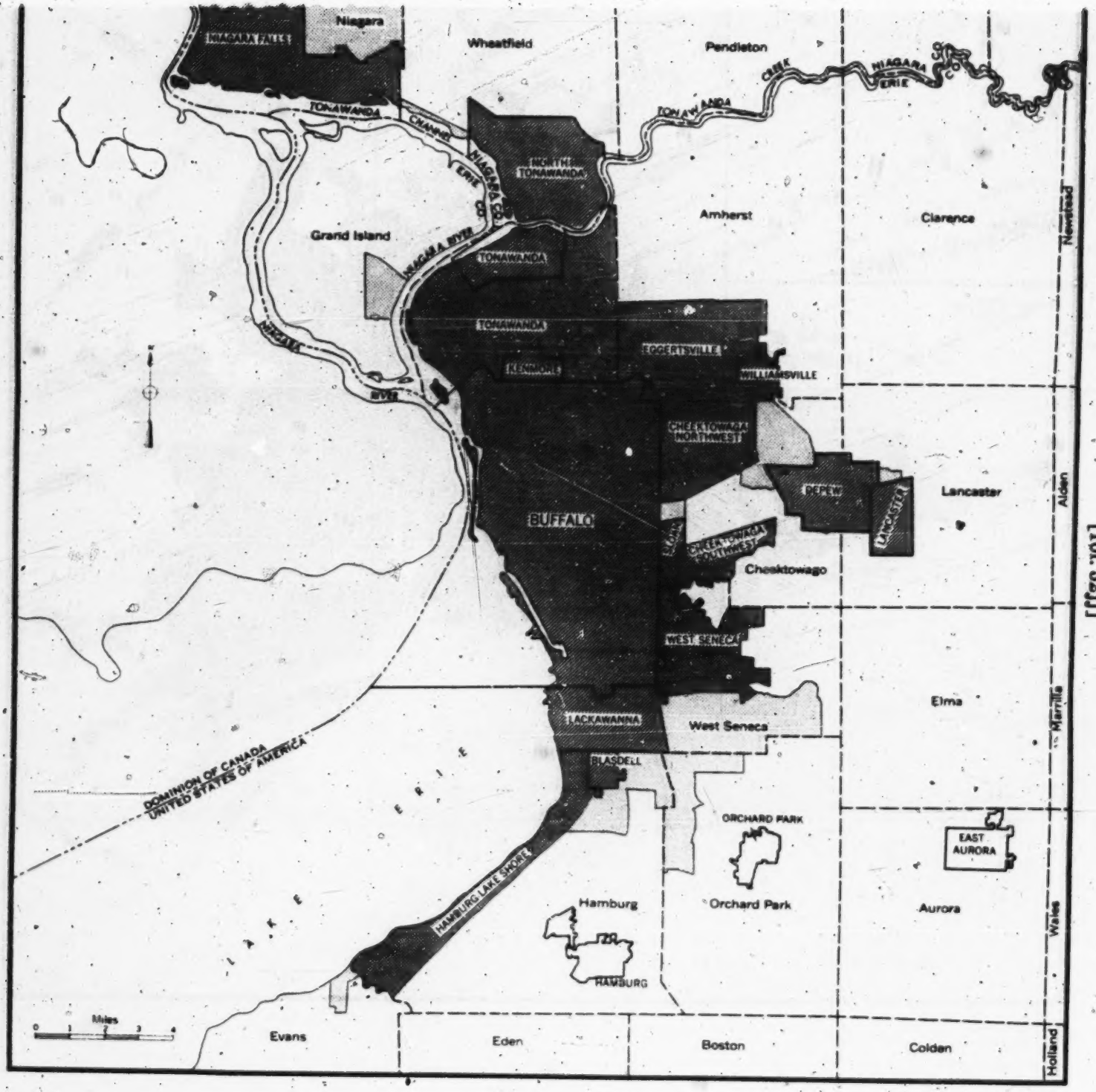

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Table 10.—POPULATION OF URBANIZED AREAS: 1960 AND 1950—Con.

Area	1960	1950
SYRACUSE (N.Y.) URBANIZED AREA		
The area	333,286	265,284
Syracuse city	216,038	220,583
Outside central city	117,248	44,703
The area includes the following minor civil divisions and parts of minor civil divisions:		
Onondaga County (part)	333,286	265,284
Camillus town (part)	14,268	1,480
Camillus village	1,416	(1)
Cicero town (part)	5,893	1,252
North Syracuse village (part)	2,361	1,233
Clay town (part)	11,041	2,123
North Syracuse village (part)	9,151	2,123
De Witt town (part)	16,929	9,651
East Syracuse village	4,708	4,766
Geddes town (part)	19,119	11,167
Solvay village	8,732	7,868
Lysander town (part)	538	(1)
Manlius town (part)	12,693	1,008
Fayetteville village	4,311	(1)
Manlius village	1,997	(1)
Minoa village	1,838	1,008
Onondaga town (part)	4,942	1,973
Salina town (part)	31,924	16,049
Liverpool village	3,487	2,933
Syracuse city	216,038	220,583
UTICA-ROME (N.Y.) URBANIZED AREA		
The area	187,779	117,424
In central cities	152,096	101,531
Rome	51,646	(1)
Utica	100,410	101,531
Outside central cities	35,723	15,893
The area includes the following minor civil divisions and parts of minor civil divisions:		
Herkimer County (part)	466	477
Schuyler town (part)	466	(1)
Oneida County (part)	187,313	117,327
Deerfield town (part)	2,218	(1)
Lee town (part)	1,678	(1)
Marcy town (part)	395	(1)
New Hartford town (part)	13,834	3,003
New Hartford village	2,468	1,947
New York Mills village (part)	1,805	1,380
Rome city	51,646	(1)
Utica city	100,410	101,531
Western town (part)	142	(1)
Whitestown town (part)	17,030	10,793
New York Mills village (part)	2,183	1,986
Oriskany village	1,580	1,346
Whitesboro village	4,784	3,902
Yorkville village	3,749	3,528

[1] Not in area in 1950.
[2] Includes population (97) of part of Frankfort town not included in area in 1960.

Table 11.—POPULATION OF STANDARD METROPOLITAN STATISTICAL AREAS: 1960 AND 1950

[Data relate to areas as defined for 1960. Minus sign (-) denotes decrease]

Standard metropolitan statistical area, central city, and other component areas	1960	1950	Increase	
			Number	Percent
ALBANY-SCHENECTADY-TROY, N.Y.				
Total	657,503	589,359	68,144	11.6
In central cities	278,900	299,091	-20,191	-6.8
Albany	29,726	134,995	-5,269	-3.9
Schenectady	81,682	91,785	-10,103	-11.0
Troy	67,492	72,311	-4,819	-6.7
Outside central cities	378,603	290,268	88,335	30.4
Albany County	272,926	239,386	33,540	14.0
Rensselaer County	142,585	132,607	9,978	7.5
Saratoga County	89,096	74,869	14,227	19.0
Schenectady County	152,896	142,497	10,399	7.3
BINGHAMTON, N.Y. (Broome County)				
Total	212,661	184,698	27,963	15.1
Binghamton city	75,941	80,674	-4,733	-5.9
Outside central city	136,720	104,024	32,696	31.4
BUFFALO, N.Y.				
Total	1,306,957	1,089,230	217,727	20.0
Buffalo city	532,759	580,132	-47,373	-8.2
Outside central city	774,198	509,098	265,100	52.1
Erie County	1,064,688	899,238	165,450	18.4
Niagara County	242,269	189,992	52,277	27.5
NEW YORK, N.Y.				
Total	10,694,633	9,555,943	1,138,690	11.9
New York City	7,781,984	7,891,957	-109,973	-1.4
Outside central city	2,912,649	1,663,986	1,248,663	75.0
New York City	7,781,984	7,891,957	-109,973	-1.4
Bronx County	1,424,815	1,451,277	-26,462	-1.8
Kings County	2,627,319	2,738,175	-110,856	-4.0
New York County	1,698,281	1,960,101	-261,820	-13.4
Queens County	1,809,578	1,550,849	258,729	16.7
Richmond County	221,991	191,555	30,436	15.9
ROCHESTER, N.Y. (Monroe County)				
Total	586,387	487,632	98,755	20.3
Rochester city	318,611	332,488	-13,877	-4.2
Outside central city	267,776	155,144	112,632	72.6
SYRACUSE, N.Y.				
Total	563,781	465,114	98,667	21.2
Syracuse city	216,038	220,583	-4,545	-2.1
Outside central city	347,743	244,531	103,212	42.2
Madison County	54,635	46,214	8,421	18.2
Onondaga County	423,028	341,719	81,309	23.8
Cayuga County	86,118	77,181	8,937	11.6
UTICA-ROME, N.Y.				
Total	330,771	284,262	46,509	16.4
In central cities	152,056	143,213	8,843	6.2
Utica	100,410	101,531	-1,121	-1.1
Rome	51,646	41,682	9,964	23.9
Outside central cities	178,715	141,049	37,666	26.7
Herkimer County	66,370	61,407	4,963	8.1
Oneida County	264,401	222,855	41,546	18.6

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Table 11a.—POPULATION OF THE NEW YORK–NORTHEASTERN NEW JERSEY STANDARD CONSOLIDATED AREA: 1960 AND 1950

[Minus sign (—) denotes decrease]

Component area	1960	1950	Increase	
			Number	Percent
The area	14,759,429	12,911,994	1,847,435	14.3
New York, N.Y., SMSA	10,694,633	9,555,943	1,138,690	11.9
Newark, N.J., SMSA	1,689,420	1,468,458	220,962	15.0
Jersey City, N.J., SMSA	610,734	647,437	-36,703	-5.7
Paterson-Clifton-Passaic, N.J., SMSA	1,186,873	876,232	310,641	35.5
Middlesex County, N.J.	433,856	264,872	168,984	63.8
Somerset County, N.J.	143,913	99,052	44,861	45.3

Table 12.—POPULATION OF THE STATE AND OF STANDARD METROPOLITAN STATISTICAL AREAS, BY TYPE OF RESIDENCE: 1960

Metropolitan-nonmetropolitan residence	Total	Urban			Rural		
		Total	Central city or cities	Other urban territory	Total	Places of 1,000 to 2,500	Other rural territory
The State	16,782,304	14,331,925	9,396,289	4,975,636	2,450,379	309,250	2,141,129
In standard metropolitan statistical areas	14,352,693	13,322,679	9,396,289	3,966,390	1,030,014	111,444	918,570
Albany-Schenectady-Troy	697,303	495,264	278,900	216,364	162,259	14,195	148,064
Binghamton	212,661	158,141	75,941	82,200	54,520	3,262	51,258
Buffalo	1,306,997	1,111,743	532,759	578,984	195,214	20,820	174,394
New York	10,694,633	10,412,934	7,781,984	2,630,950	281,699	43,119	238,580
Rochester	586,387	508,121	318,411	189,710	78,266	8,804	69,462
Syracuse	563,781	404,293	216,038	188,255	159,488	11,154	148,334
Utica-Rome	330,771	232,203	152,056	80,147	98,568	10,090	88,478
Not in standard metropolitan statistical areas	2,429,611	1,009,246	...	1,009,246	1,420,365	197,806	1,222,559

[fol. 32hh]

Number of Inhabitants

URBANIZED AREAS—NEW YORK

[fol. 32ii]

[fol. 32 ii]

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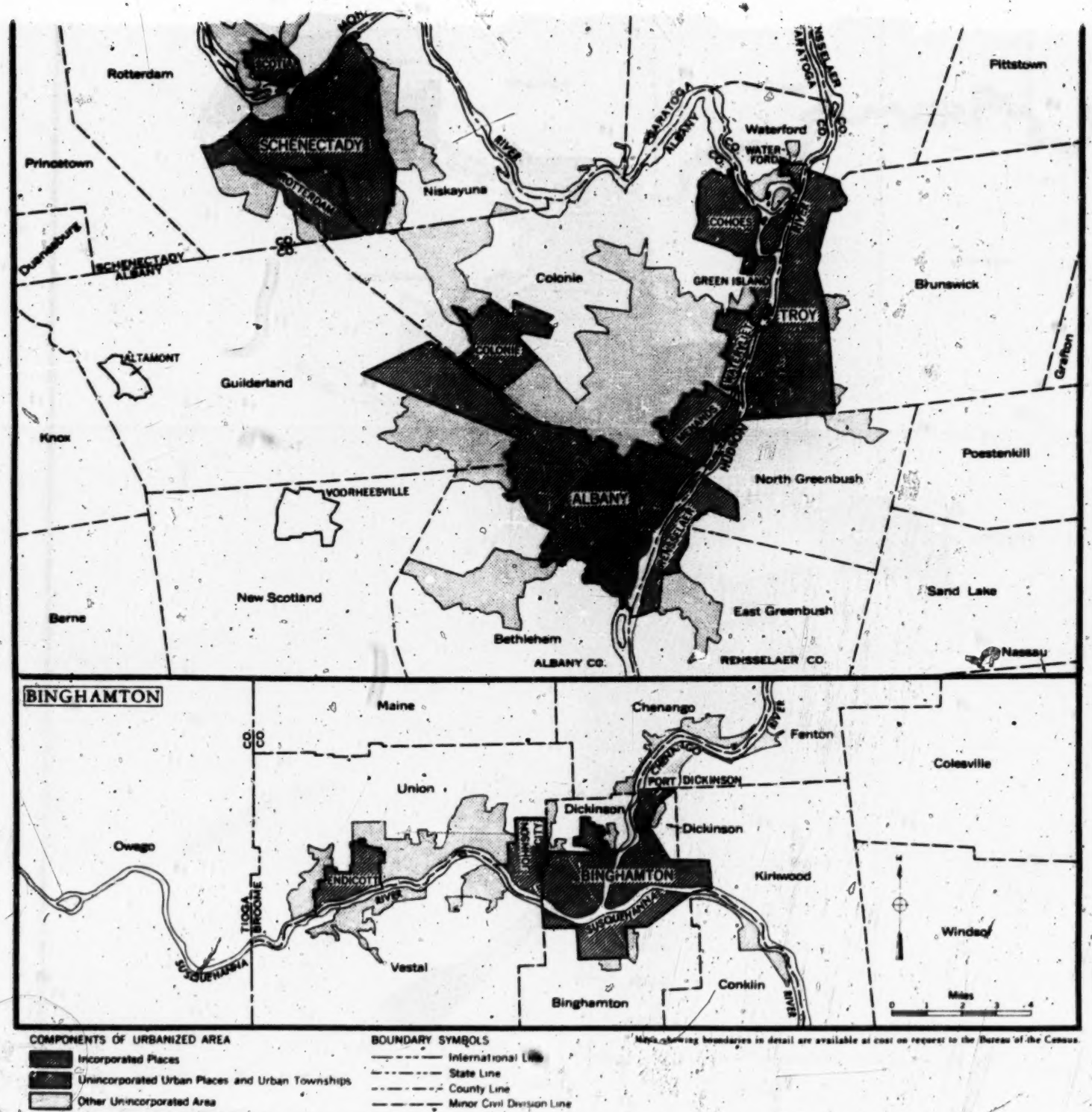

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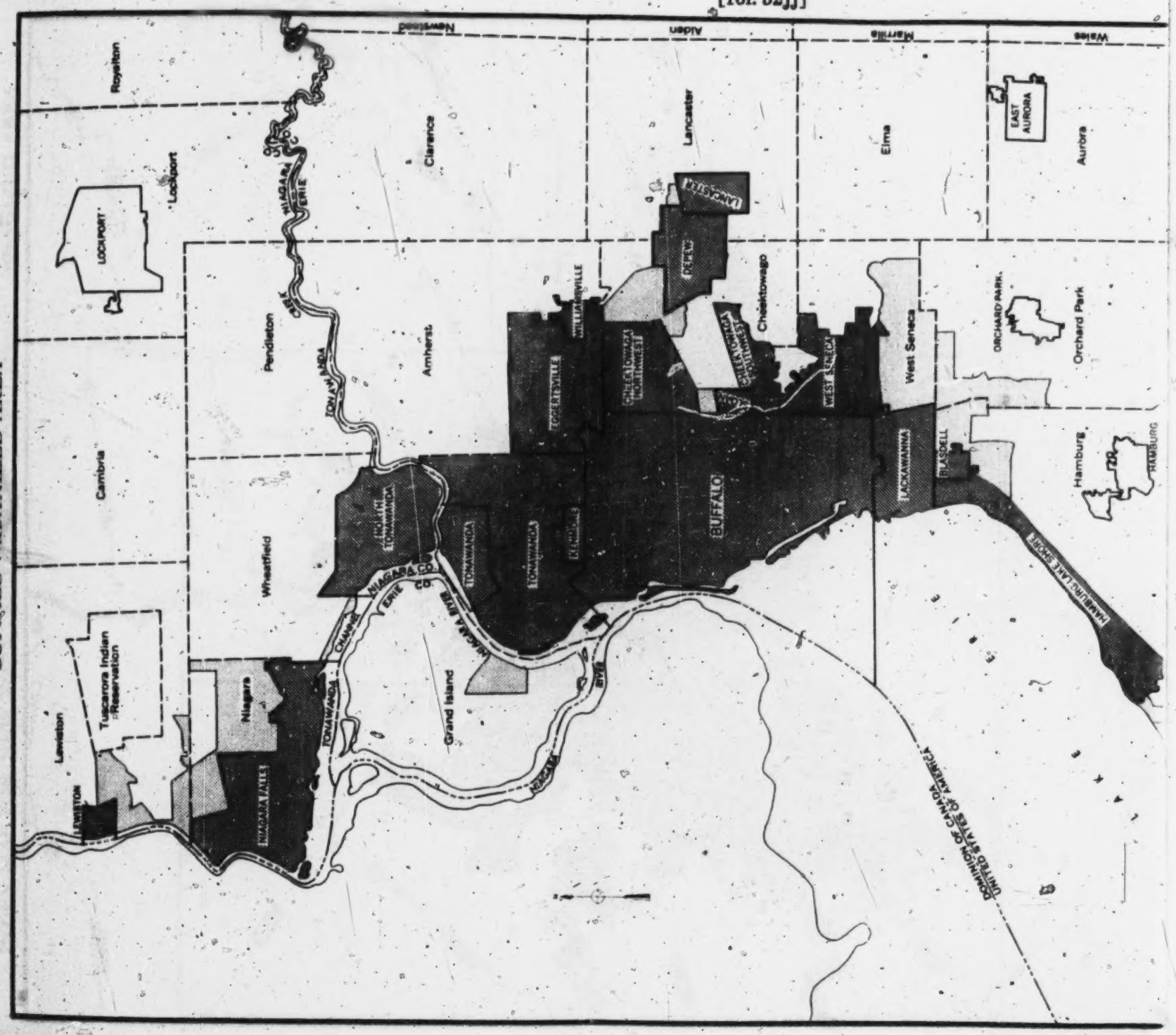
[fol. 32jj]



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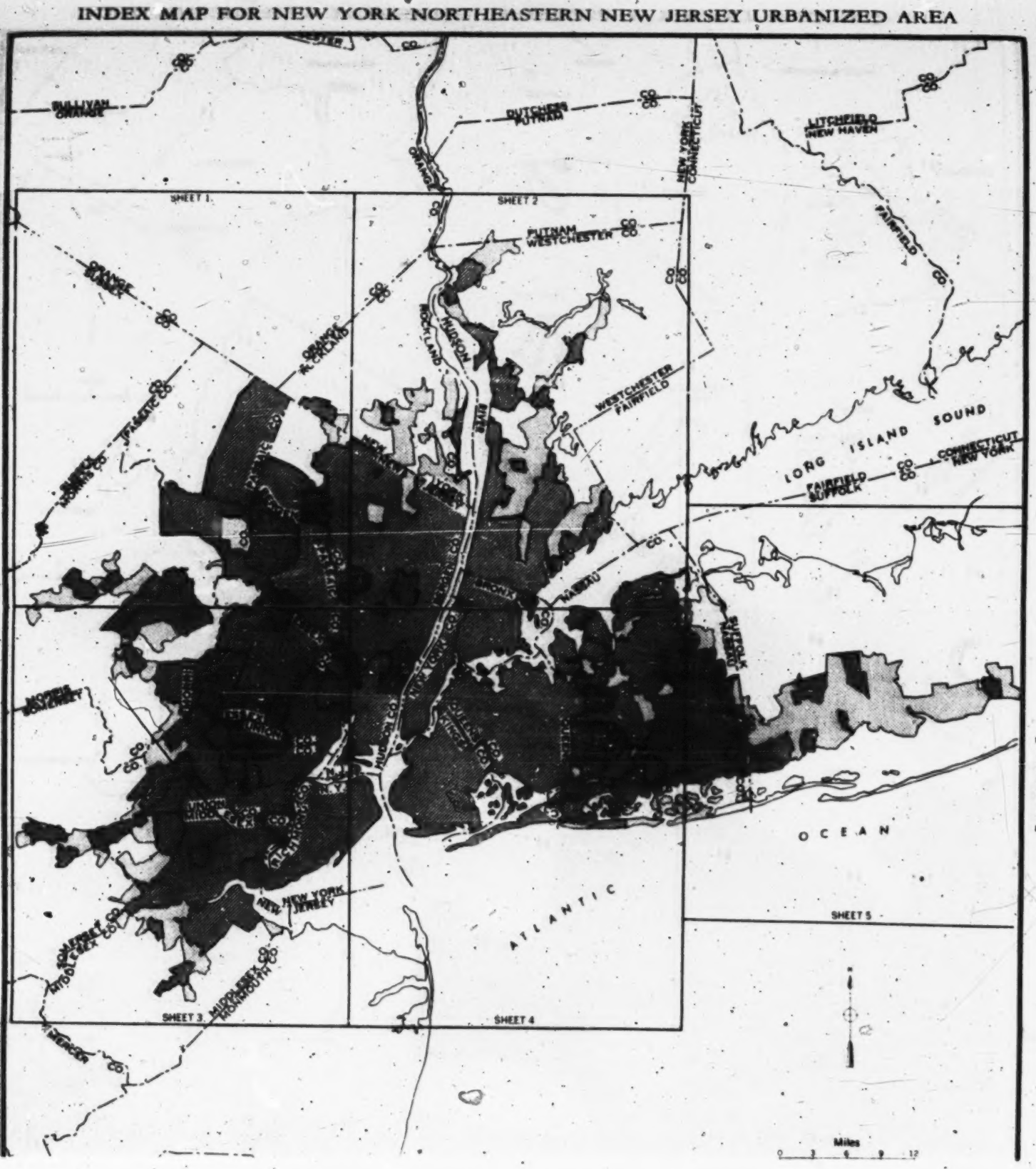
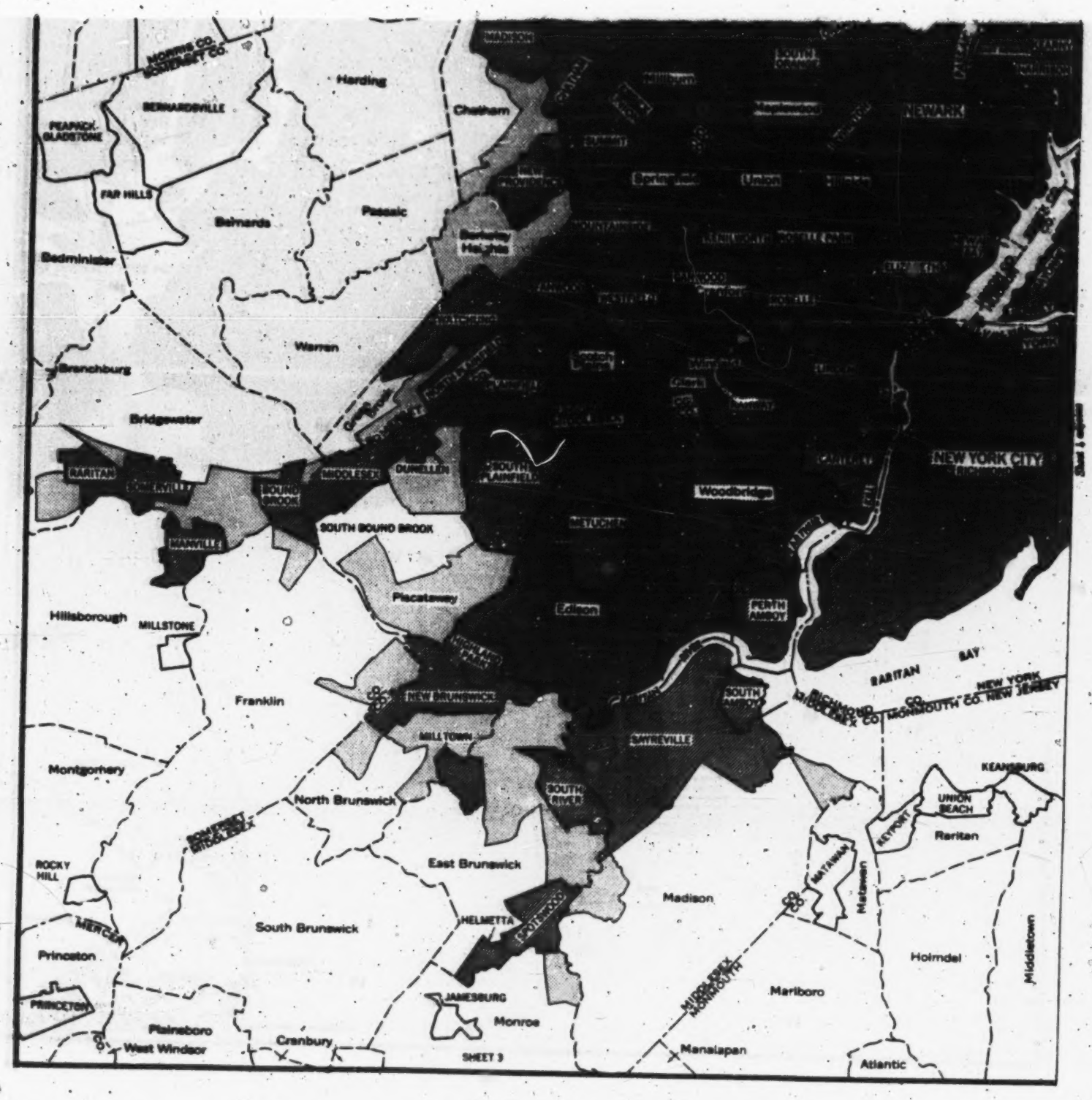
INDEX MAP FOR NEW YORK-NORTHEASTERN NEW JERSEY URBANIZED AREA





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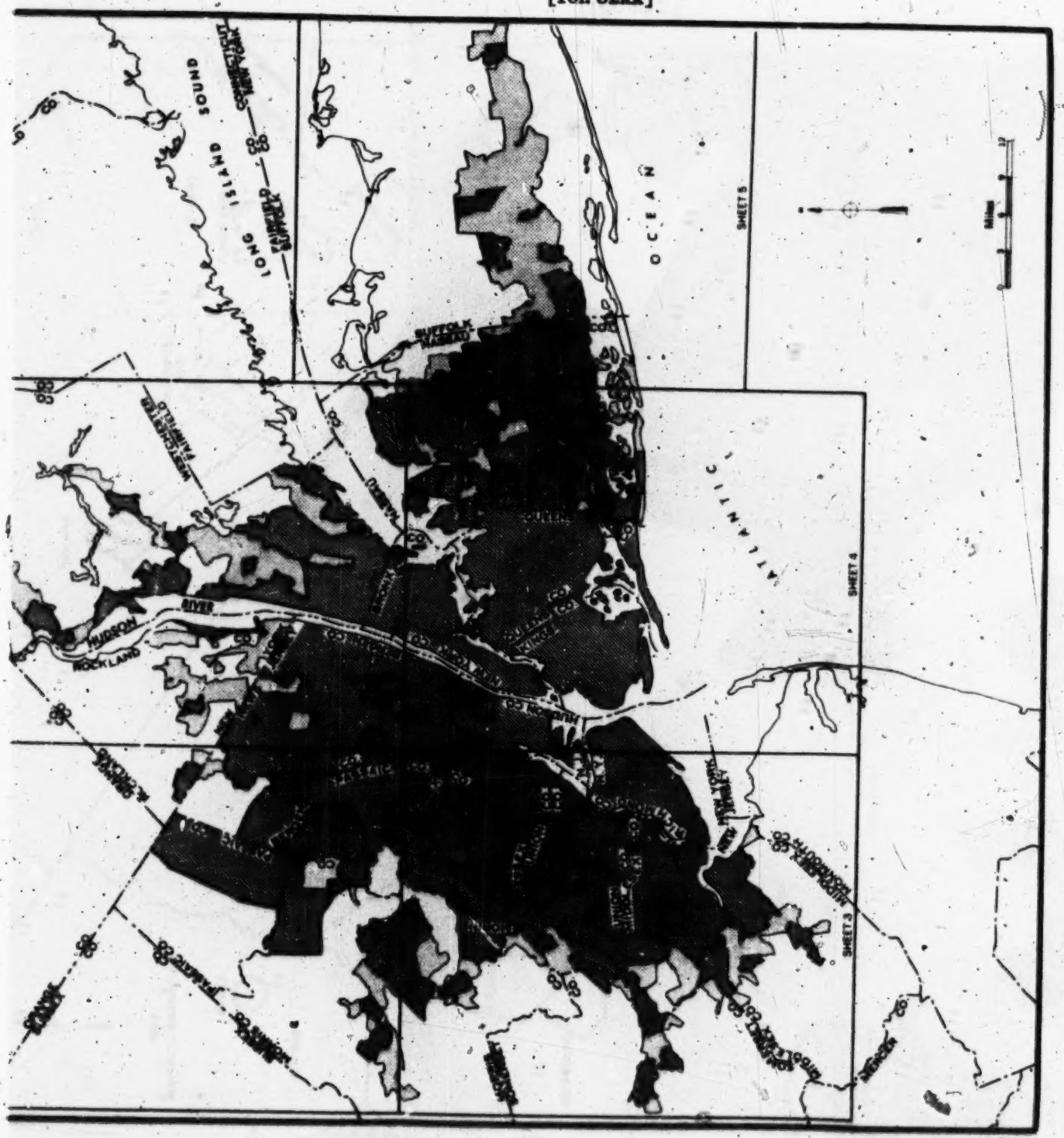

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NEW YORK-NORTHEASTERN NEW JERSEY URBANIZED AREA—SECTION 1

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[fol. 3200]

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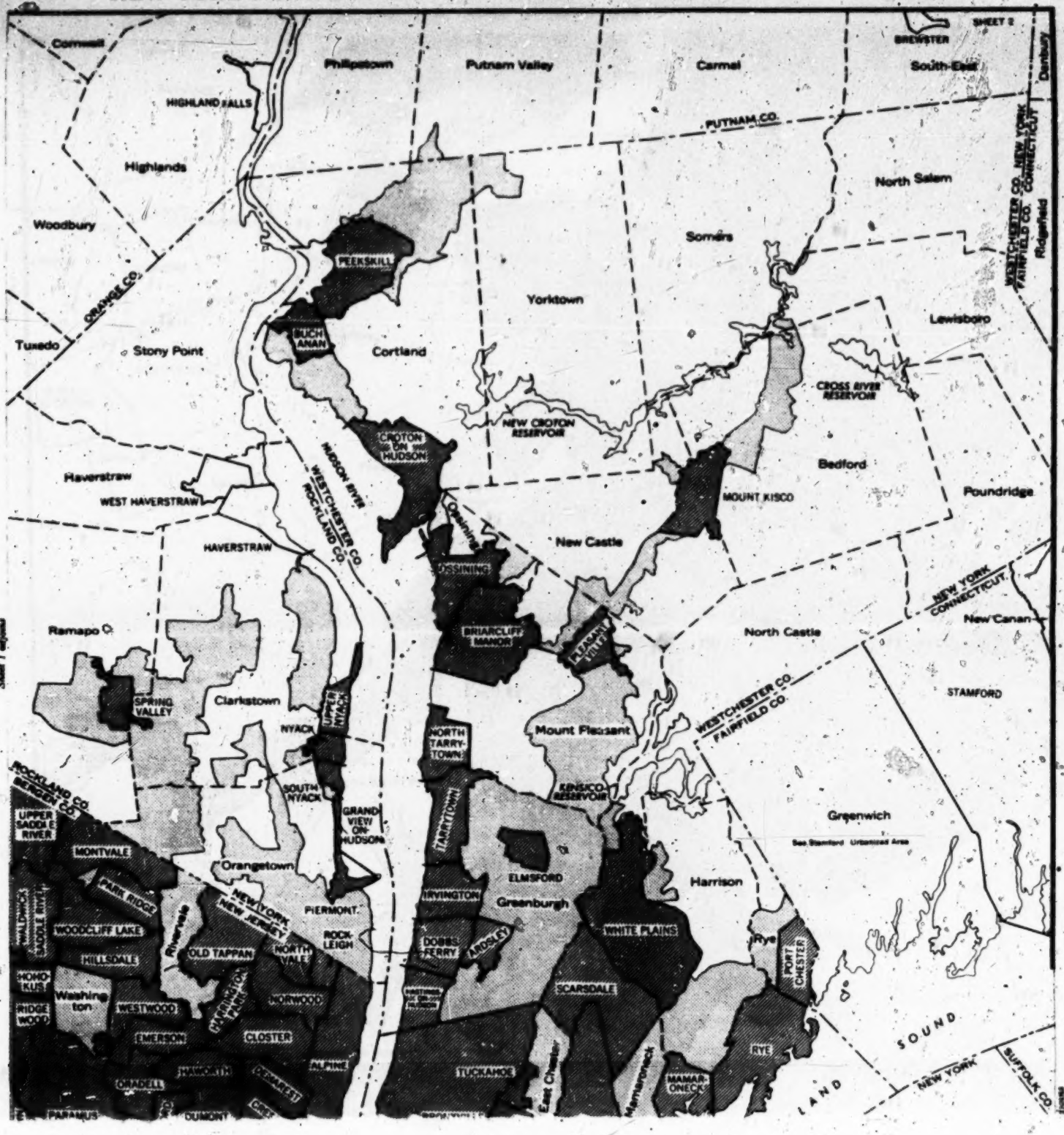
NEW YORK NORTHEASTERN NEW JERSEY URBANIZED AREA—SECTION 2



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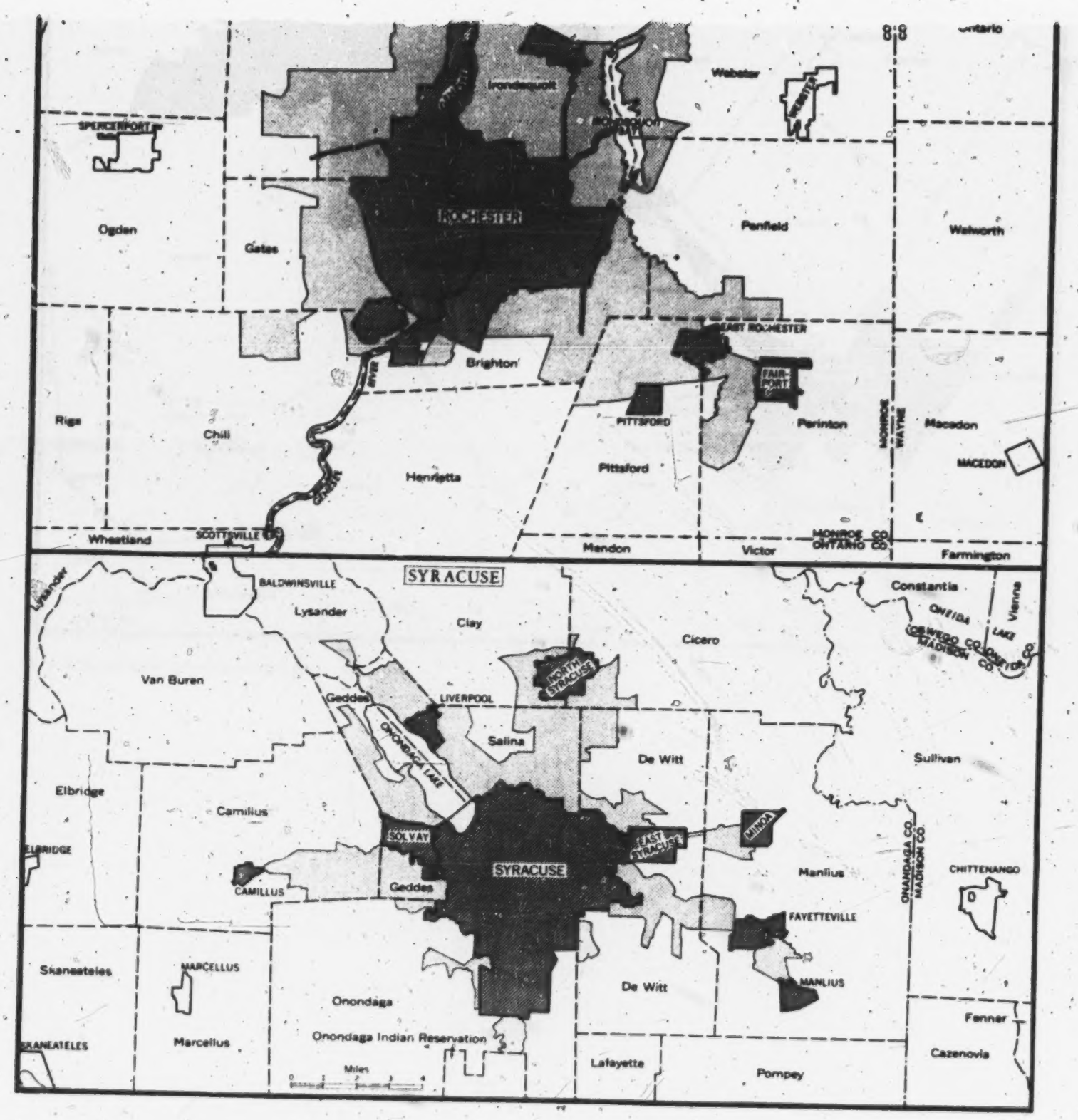

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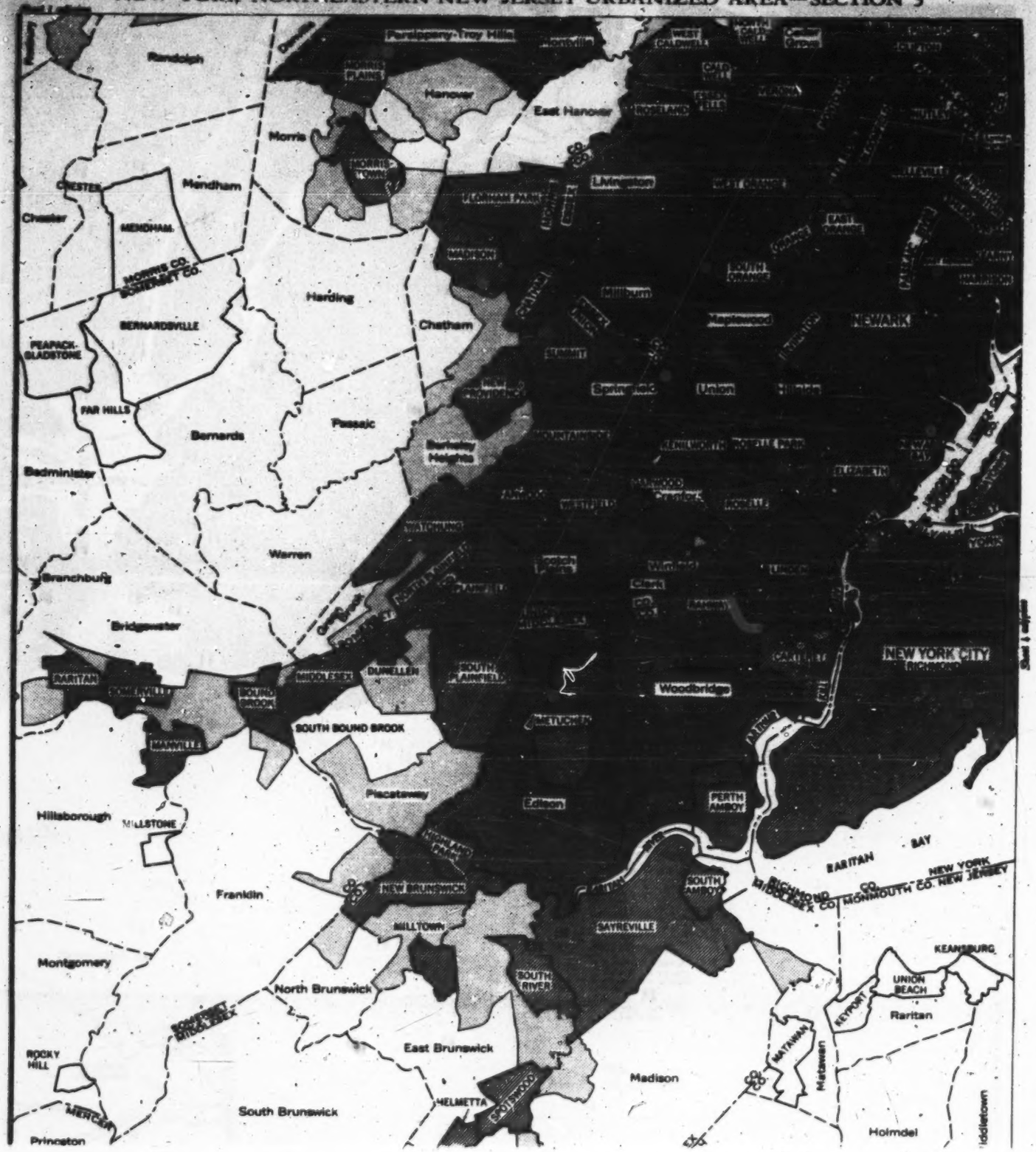
NEW YORK-NORTHEASTERN NEW JERSEY URBANIZED AREA—SECTION 3



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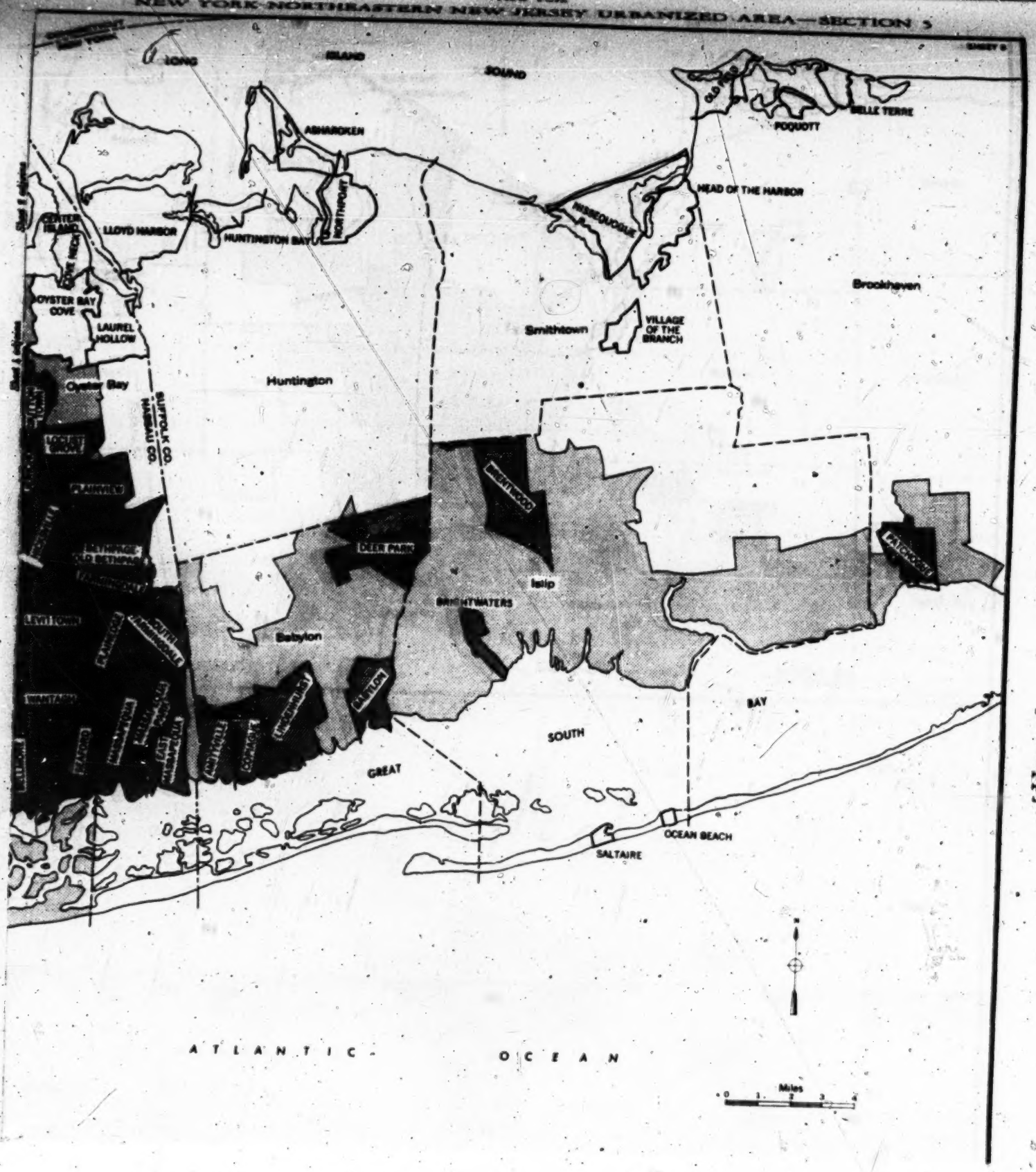
NEW YORK-NORTHEASTERN NEW JERSEY URBANIZED AREA—SECTION 4

[fol. 3200]


NEW YORK-NORTHEASTERN NEW JERSEY URBANIZED AREA—SECTION 5
LONG ISLAND SOUND
ASHAROKEN
OLD FIELD
POQUOTT
BELLE TERRE
HEAD OF THE HARBOR
NISSEQUOGUE
NORTHPORT
HUNTINGTON BAY
LLOYD HARBOR
CENTER ISLAND
COVE NECK
OYSTER BAY COVE
LAUREL HOLLOW
Brookhaven
Smithtown
VILLAGE OF THE BRANCH
Huntington
Oyster Bay
SUFFOLK CO NASSAU CO.
DEER PARK
Islip
BRIGHTWATERS
Babylon
BAY
SOUTH
GREAT
OCEAN BEACH
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ATLANTIC OCEAN
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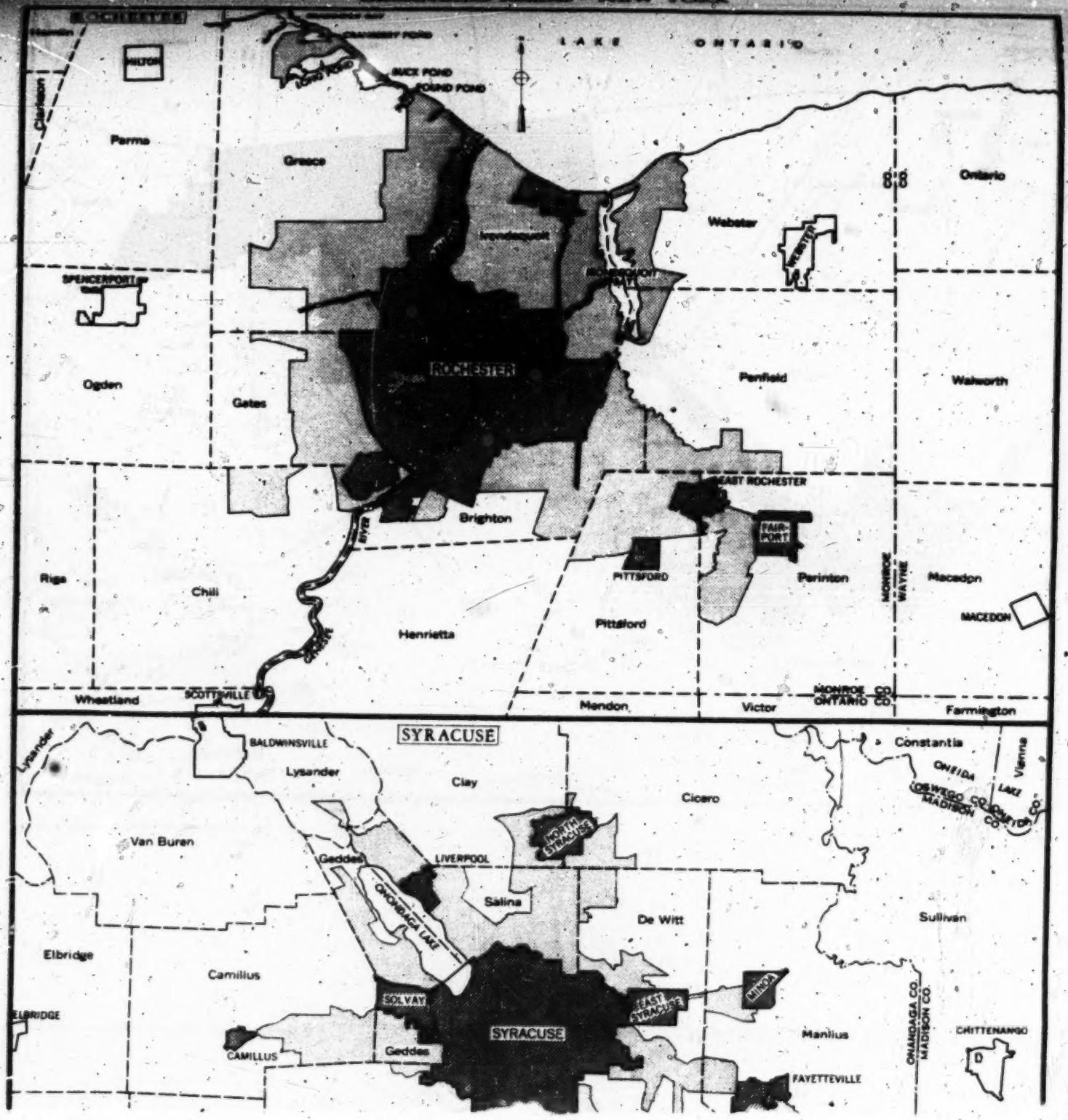
ROCHESTER
LAKE ONTARIO
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Gates
Penfield
Walworth
Brighton
EAST ROCHESTER
PITTSFORD
Perinton
Macedon
Rigs
Chili
Henrietta
Pittsford
MACEDON
Wheatland
Mendon
Victor
Farmington
SYRACUSE
BALDWINSVILLE
Lysander
Clay
Cicero
Constantia
Van Buren
Geddes
LIVERPOOL
Salina
De Witt
Sullivan
Elbridge
Camillus
SOLVAY
EAST SYRACUSE
MINOA
Manlius
CAMILLUS
FAYETTEVILLE
CHITTENANGO
ONONDAGA CO.
MADISON CO.
ONEIDA CO.
OSWEGO CO.
MONROE CO.
ONTARIO CO.
WAYNE CO.

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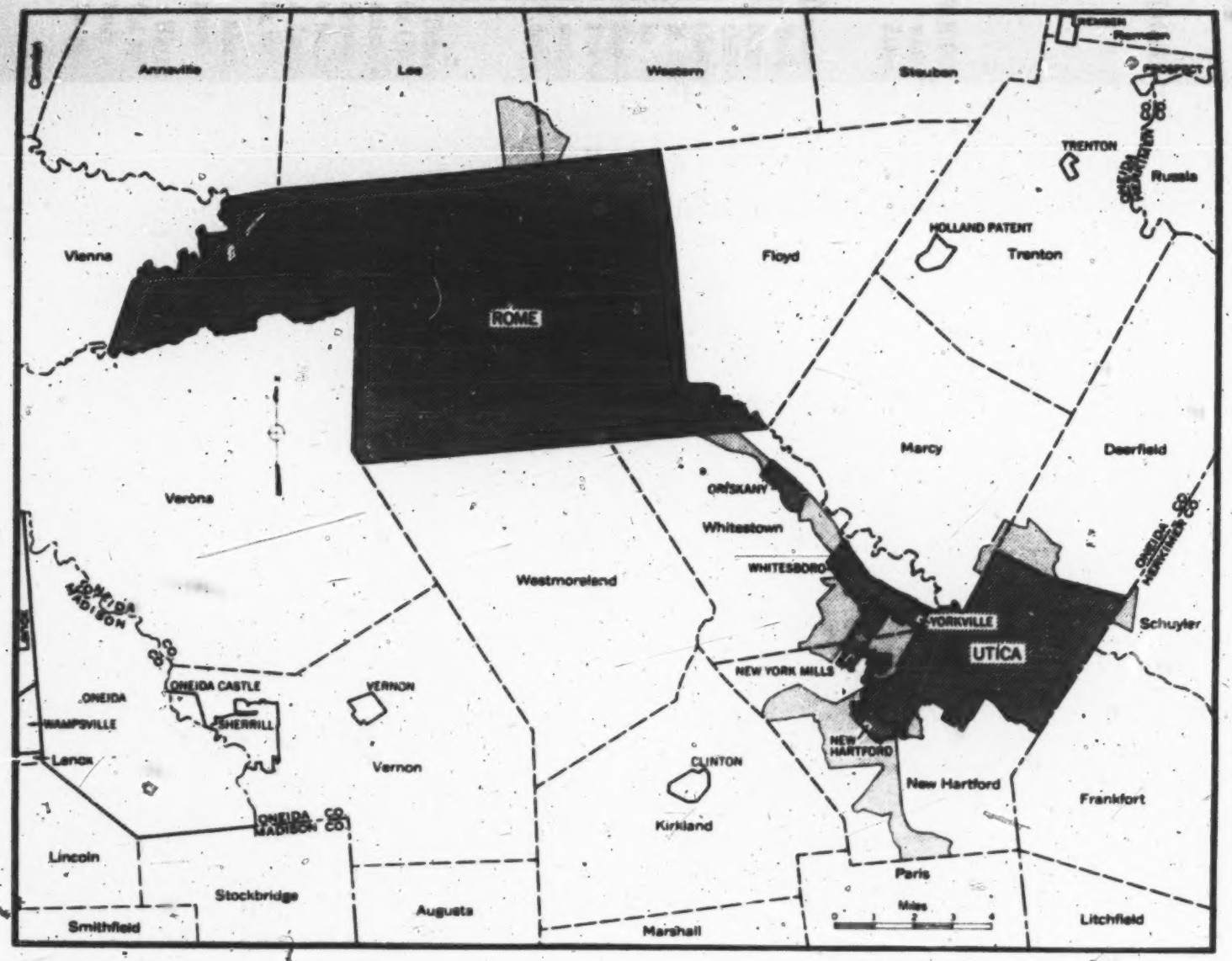

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[fol. 32rr]

[fol. 41] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
No. 61 Civ. 1559

W.M.C.A., INC.; R. PETER STRAUS; JOSEPH DE MAIO; EDWARD LIND; S. THOMAS DELANEY; EDWARD C. BROWN; JAMES J. MCCAFFERTY, Plaintiffs,

against

CAROLINE K. SIMON, Secretary of State of the State of New York, LOUIS J. LEFKOWITZ, Attorney General of the State of New York, ABE STARK, President of the City Council of the City of New York, A. HOLLY PATTERSON, Chairman, Board of Supervisors, Nassau County, OWEN M. QUINN, Chairman, Board of Supervisors, Westchester County, WILLIAM J. LEONARD, Chairman, Board of Supervisors, Suffolk County, DENIS J. MAHON, JAMES POWERS, JOHN R. CREWS, THOMAS MALLEE, Commissioners, Board of Elections, City of New York, Defendants.

ANSWER—Filed January 11, 1962

Defendant Abe Stark, President of the City Council of the City of New York, sued herein as representative of the entire City Council, and defendants Denis J. Mahon, James Powers, John R. Crews and Thomas Mallee, Commissioners of the Board of Elections of the City of New York, by Leo A. Larkin, Corporation Counsel of the City of New York, for their answer to the complaint herein:

Admit each and every allegation contained in the complaint.

Wherefore defendants in whose behalf this answer is [fol. 42] interposed do respectfully consent and affirmatively request that the Court grant to the plaintiffs herein the relief prayed for in their complaint.

June 2, 1961.

Leo A. Larkin, Corporation Counsel, Attorney for Defendant Abe Stark, President of the City Council, etc. and Defendants Denis J. Mahon, James Powers, John R. Crews and Thomas Mallee, Commissioners of the Board of Elections of the City of New York, Office & P.O. Address, Municipal Building, Chambers and Centre Streets, Borough of Manhattan, New York City 7, New York.

[fol. 42a] Acknowledgments of service (omitted in printing).

[fol. 261] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

61 Civ. 1559

W.M.C.A., INC.; B. PETER STRAUS; JOSEPH DE MAIO; EDWARD LIND; S. THOMAS DELANEY; EDWARD C. BROWN; JAMES J. McCAFFERTY, Plaintiffs,

—against—

CAROLINE K. SIMON, Secretary of State of the State of New York, LOUIS J. LEFKOWITZ, Attorney General of the State of New York, ABE STARK, President of the City Council of the City of New York; A. HOLLY PATTERSON, Chairman, Board of Supervisors, Nassau County; OWEN M. QUINN, Chairman, Board of Supervisors, Westchester County, WILLIAM J. LEONARD, Chairman, Board of Supervisors, Suffolk County, DENNIS J. MAHON, JAMES POWERS, JOHN R. CREWS, THOMAS MALLEE, Commissioners, Board of Elections, New York City, Defendants.

Appearances:

Robinson, Silverman, Pearce & Aronsohn and Max Gross, Attorneys for Plaintiffs, 230 Park Avenue, New York, N.Y., Leonard B. Sand, Of Counsel.

Louis J. Lefkowitz, Attorney General of the State of New York, Attorney pro se and Attorney for Caroline K. Simon, Secretary of State of the State of New York, The Capitol, Albany, New York and 80 Centre Street, New York, N. Y., Irving Galt, Assistant Solicitor General, George C. Mantzoros, Gretchen W. Oberman, Assistant Attorneys General, Of Counsel.

[fol. 262]

Leo A. Larkin, Corporation Counsel of the City of New York, Attorney for Defendant Abe Stark, President of the City Council of the City of New York, and Defendants Denis J. Mahon, et al., Commissioners of the Board of Elections of the City of New York, Municipal Building, New York, N. Y., Benjamin Offner, Of Counsel.

George W. Percy, Jr., County Attorney for the County of Suffolk, New York, Attorney for Defendant William J. Leonard, Chairman, Board of Supervisors, Suffolk County, Suffolk County Center, Riverhead, New York, Stanley S. Corwin, Assistant County Attorney, Of Counsel.

J. Oakey McKnight, County Attorney for the County of Nassau, Attorney for Defendant A. Holly Patterson, Chairman, Board of Supervisors, Nassau County, Old County Courthouse, Mineola, New York, Harold E. Collins, Deputy County Attorney of the County of Nassau, Of Counsel.

Francis J. Morgan, County Attorney of Westchester County, Attorney for Defendant Owen M. Quinn, Chairman, Board of Supervisors, Westchester County, County Office Building, White Plains, New York, Irving Libenson, Assistant County Attorney, Of Counsel.

Ferdinand I. Haber, Attorney for Petitioner, Eugene H. Nickerson, Amicus Curiae, 1501 Franklin Avenue, Mineola, New York.

Before: Waterman, Circuit Judge, Ryan and Levet, District Judges.

OPINION—January 11, 1962

LEVET, D. J.

[fol. 263] This matter came before this court pursuant to Title 28 USCA § 2284 as a result of the determination by the district court by opinion dated July 7, 1961 and order made pursuant thereto. See WMCA Inc. v. Simon, D.C.S.D. N.Y., 1961, 196 F. Supp. 758.

Before this statutory three-judge court, motions have been renewed by defendants Caroline K. Simon, Secretary of State of the State of New York, Louis J. Lefkowitz, Attorney General of the State of New York, A. Holly Patterson, Chairman, Board of Supervisors, Nassau County, Owen M. Quinn, Chairman, Board of Supervisors, Westchester County, William J. Leonard, Chairman, Board of Supervisors, Suffolk County, to dismiss the complaint in this action under Rule 12(b) of the Federal Rules of Civil Procedure on the grounds that (1) the court lacks jurisdiction over the subject matter and (2) the complaint fails to state a claim upon which relief can be granted.

The New York City defendants, to wit, Abe Stark, President of the City Council of the City of New York, Denis J. Mahon, James Powers, John R. Crews, Thomas Mallee, Commissioners, Board of Elections, New York City, have answered the complaint, admitting the allegations thereof and in effect asking for the relief sought by the plaintiffs. Consequently, they have opposed the aforesaid motion.

[fol. 264] The Complaint

Plaintiffs in their various alleged capacities as taxpayers, citizens and voters seek (1) a declaratory judgment pursuant to 28 USCA §§ 2201 and 2202 that New York's constitutional and statutory provisions governing apportionment of State, Senate and Assembly Districts, (New York State Constitution, Art. III, §§ 2-5; New York State Law §§ 121, 123) are unconstitutional under the due process and equal protection clauses of the Fourteenth Amendment of the United States; and (2) an injunction to restrain the New York Attorney General and Secretary of State, as well as the above-mentioned county and municipal officials,

from performing their required functions under the challenged laws.

Jurisdiction was asserted under the Civil Rights Act, 42 USCA §§ 1983, 1988, and 28 USCA § 1343(3). Plaintiffs sought the convening of a three-judge court, pursuant to 28 USCA § 2281, insofar as an injunction is requested restraining enforcement or execution of a state statute and constitution.

Except for W.M.C.A. Inc., a New York corporation, characterized in the complaint as a "taxpayer" (par. 3 of complaint), plaintiffs are all individuals described as "citizens," "taxpayers," and "qualified voters" (par. 4 of complaint) from four of the five counties of New York City (none from Richmond County) and the Counties of Nassau and [fol. 265] Suffolk. One of the plaintiffs, R. Peter Straus, further alleges that he is president of the corporate plaintiff, W.M.C.A. Inc. (par. 4[a] of complaint).

Plaintiffs ask the court to declare Art. III, §§ 2-5 of the New York State Constitution violative of the due process and equal protection of the laws provision of the Fourteenth Amendment of the Constitution of the United States upon the ground that:

> "• • • the apportionment formula contained therein results, and must necessarily result, when applied to the population figures of the State in a grossly unfair weighting of both houses in the State legislature in favor of the lesser populated rural areas of the state to the great disadvantage of the densely populated urban centers of the state." (par. 12 of complaint)

The complaint specifically cites as the cause of this allegedly unconstitutional distribution of state legislative representation the New York Constitutional provisions requiring that:

> (a) "• • • the total of fifty Senators established by the Constitution of 1894 shall be increased by those Senators to which any of the larger counties become entitled in addition to their allotment as of 1894, but without effect for decreases in other large counties • • •"

(b) no county may have "four or more Senators unless it has a full ratio for each Senator • • • " and

(c) " • • • every county except Hamilton shall always be entitled [in the Assembly] to one member coupled with the limitation of the entire membership to 150 members • • • ." (par. 13 of complaint)

[fol. 266] Plaintiffs further allege that they have been subjected to "taxation without adequate representation" (par. 18 of complaint) and that the prevailing New York apportionment formula is "contrary to the prevailing philosophy of government in the United States and all Anglo-Saxon jurisdictions." (Complaint, par. 17)

The district court was therefore requested to convene a three-judge court to declare New York State Constitution, Art. III, §§ 2-5, unconstitutional and void; to restrain the Secretary of State from printing, mailing or otherwise distributing any election materials, to restrain the Attorney General from enforcing said constitutional and statutory provisions, and the aforementioned municipal and county officials from taking any action under such existing laws (complaint, pp. 15-16). Before the district judge, the defendants moved to dismiss the complaint for lack of jurisdiction over the subject matter and failure to state a claim upon which relief could be granted. The district judge in convening this three-judge court denied the motion to dismiss without prejudice to the right of the defendants to renew such motion before the three-judge statutory court. WMCA Inc. v. Simon, D.C.S.D.N.Y., 1961, 196 F. Supp. 758. This court is further asked "to retain jurisdiction of this cause until such time as the legislature of the State • • • provides for such apportionment of the State legislature as will insure to the urban voters of New York State the rights guaranteed them by the Constitution of the United States." (Complaint, par. 17)

[fol. 267] Jurisdiction

"Jurisdiction • • • is the power to consider and decide one way or the other, as the law may require, and is not to be declined merely because it is not foreseen with cer-

tainty that the outcome will help plaintiff." Geneva Furniture Co. v. Karpen, 1915, 238 U.S. 254. "Jurisdiction" connotes the power to decide a case on its merits. Kibler v. Transcontinental & Western Air, D.C.E.D.N.Y., 1945, 63 F. Supp. 724.

Even before the case of Gomillion v. Lightfoot, 1960, 364 U.S. 339, the United States Supreme Court never held that the federal courts were without jurisdiction over matters concerning legislative apportionment involving either Congressional or state legislative apportionments. Rather, it appears that the court has seen fit in specific instances to decline to exercise its equity power in that area.

Defendants in opposing jurisdiction herein rely on the determination in Colegrove v. Green, 1946, 328 U.S. 549, rehearing denied 1946, 329 U.S. 825, 828. It is argued that the Colegrove case decided that there was no jurisdiction in the federal courts in *suits involving apportionment*. An examination of the opinion will reveal that this interpretation is incorrect. In Colegrove, the plaintiff complained that the state legislature had failed to reapportion the Illinois *Congressional* Districts for some forty years and that [fol. 268] inequality of voting power resulted. The statutory court concluded that it was bound by the decision in Wood v. Broom, 1932, 287 U.S. 1[1] and, accordingly, dismissed the suit.

In the United States Supreme Court in Colegrove v. Green, supra, only seven justices participated. Chief Justice Stone heard the argument, but died before the decision. Mr. Justice Jackson took no part in the consideration or decision of this case. Mr. Justice Frankfurter wrote the opinion of the court, in which Mr. Justice Reed and Mr. Justice Burton concurred. Mr. Justice Black dissented in an opinion in which Mr. Justice Douglas and Mr. Justice Murphy joined. This dissent, among other things, stated that (1) that Wood v. Broom, 287 U.S. 1 did not preclude granting equitable relief in this case (Colegrove); and (2) that jurisdiction existed.

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[1] In Wood v. Broom, 1932, 287 U.S. 1, the court held that the Reapportionment Act of 1911, requiring that Congressional election districts be of contiguous and compact territory and as nearly as practicable of equal population, applied only to districts formed under that Act and not to the Apportionment Act of 1929.

[fol. 269] An examination of the Frankfurter opinion, which affirmed the statutory court's dismissal of the complaint, reveals that Mr. Justice Frankfurter's position was, among other factors, based upon (1) a dismissal for *want of equity* (p. 533); and (2) the fact that the authority for dealing with the problems involved resided with Congress (p. 554). It was, I believe, solely to sustain the policy of Congressional control and the *consequent* lack of wisdom of court interference that he used such phrases as:

> "The one stark fact that emerges from a study of the history of Congressional apportionment is its embroilment in politics, in the sense of party contests and party interests. • • •" (p. 554)
>
> "• • • Courts ought not to enter this political thicket. • • •" (p. 556)

Mr. Justice Rutledge, making up the fourth of the prevailing justices, concurred in a separate opinion. Referring to Wood v. Broom, 287 U.S. 1, he wrote in part:

> "• • • [As] the Court's opinion [i.e., in Wood] notes, four justices thought the bill should be dismissed for want of equity.
>
> "In my judgment this complaint [Colegrove v. Green] should be dismissed for the same reason. Assuming that the controversy is justiciable, I think the cause is of so delicate a character, in view of the considerations above noted, that the jurisdiction should be exercised only in the most compelling circumstances.
>
> • • •
>
> "The right here is not absolute. And the cure sought may be worse than the disease.
>
> [fol. 270] "I think, therefore, the case is one in which the Court may properly, and should, decline to exercise its jurisdiction. Accordingly, the judgment should be affirmed and I join in that disposition of the cause." (pp. 565-566)

Thus, at least four justices out of seven in Colegrove v. Green clearly concluded that jurisdiction existed but that

the complaint should be dismissed for *want of equity*. It may be questioned whether the Frankfurter opinion itself holds otherwise since in 1960 in his opinion in Gomillion v. Lightfoot, 364 U.S. 339, 346, in referring to Colegrove v. Green, he wrote:

> "• • • • The Court affirmed the dismissal of the complaint on the ground that it presented a subject not meet for adjudication . . ."
>
> "• [Note] Soon after the decision in the Colegrove case. Governor Dwight H. Green of Illinois in his 1947 biennial message to the legislature recommended a reapportionment. The legislature immediately responded, Ill. Sess. Laws 1947, p. 879, and in 1951 redistricted again. Ill. Sess. Laws 1951, p. 1924."

The per curiam opinion in South v. Peters, 1950, 339 U.S. 276, 277, involving a county unit system, did not state that an affirmance of a dismissal was based on lack of jurisdiction. Instead, the words are:

> "• • • We affirm. *Federal courts consistently refuse to exercise their equity powers in cases posing political issues arising from a state's geographical distribution of electoral strength among its political subdivisions.* See MacDougall v. Green, 335 U.S. 281 (1948); Colegrove v. Green, 328 U.S. 549 (1946); Wood v. Broom, 287 U.S. 1, 8 (1932); cf. Johnson v. Stevenson, 170 F. 2d 108 (C.A. 5th Cir., 1948)." (Emphasis added)

[fol. 271] See also opinions of Mr. Justice Rutledge in Cook v. Fortson, 1946, 329 U.S. 675, and in MacDougall v. Green, 1948, 335 U.S. 281, 287. Also see observations of Mr. Justice Cavanaugh of the Supreme Court of Michigan regarding Colegrove v. Green in Scholle v. Hare, 1960, 360 Mich. 1, 104 N.W. 2d 63, 70-71.

As Mr. Justice Rutledge pointed out in two footnotes to his opinion in Colegrove, 328 U.S. 549, at pages 565 and 566:

"Want of equity jurisdiction does not go to the power of a court in the same manner as want of jurisdiction over the subject matter. • • •

" 'The power of a court of equity to act is a discretionary one. . . . Where a federal court of equity is asked to interfere with the enforcement of state laws, it should do so only "to prevent irreparable injury which is clear and imminent." ' American Federation of Labor v. Watson, 327 U.S. 582, 593, and cases cited."

It is perhaps not amiss to state that the following justices of the Supreme Court in one or more apportionment cases [fol. 272] have outrightly held that jurisdiction was present: Brandeis,[1] Stone,[1] Roberts,[1] Cardozo,[1] Rutledge,[2 3 4 5] Black,[2 3 4 5 6 7 8] Douglas,[2 4 5 6 8] and Murphy.[2 3 4 5]

1. Broom v. Wood, 287 U.S. 1.
2. Colegrove v. Green, 328 U.S. 549.
3. Cook v. Fortson and Turman v. Duckworth, 329 U.S. 675.
4. Colegrove v. Barrett, 330 U.S. 804.
5. MacDougall v. Green, 335 U.S. 281.
6. South v. Peters, 339 U.S. 276.
7. Remmey v. Smith, 342 U.S. 916.
8. Anderson v. Jordan, 343 U.S. 912.

In Radford v. Gary, D.C.W.D. Oklahoma, 1956, 145 F. Supp. 541, 545-546, aff'd 1957, 352 U.S. 991, in a dissenting opinion, Wallace, District Judge, pointed out the limitations of the United States Supreme Court decision in Colegrove v. Green, as follows:

" • • • [A] careful reading of the majority opinion makes it amply clear that the Supreme Court was primarily concerned with faithfully adhering to the separation of powers doctrine, and desired to defer to the Congress, a co-equal branch of the federal government, to deal with the matter of congressional districting.

> A complete remedy, law within the control of another branch of the federal government, and inasmuch as Congress possessed the basic right to pass upon the qualifications of its own members, the Federal Judiciary was not going to become embroiled in such controversy. * * *"

[fol. 273] In Dyer v. Kazuhisa ABE, D.C.D. Hawaii, 1956, 138 F. Supp. 220, 233-234, McLaughlin, Chief Judge, wrote:

> "* * * Colegrove v. Green definitely decided that a case involving voting districts was a judiciable question over which a federal court had jurisdiction. Three justices held the court lacked jurisdiction or should not exercise what jurisdiction it had. Three justices felt jurisdiction existed and should be exercised. The deciding vote was cast by Mr. Justice Rutledge. He stated jurisdiction was present, but should not be exercised. Thus *a majority held that a justiciable question was before it, but that in the discretion of the court, equitable jurisdiction should not be exercised.*" (Emphasis added.)

Moreover, as Solicitor General Cox states on page 13 in the brief for the United States as amicus curiae submitted in Baker v. Carr before the Supreme Court:

> "3. In any event, the plurality opinion in Colegrove v. Green, concerning state malapportionment of Representatives, should not be applied to the significantly different problem of state legislative malapportionment. That opinion stated that Article I, Section 4, of the Constitution gives exclusive authority to Congress to secure fair congressional apportionment. But neither that section nor any other part of the Constitution gives Congress such exclusive power with regard to representation in state legislatures." (Brief No. 103.)

Subsequent to Colegrove v. Green, supra, the United States in Colegrove v. Barrett, 1946, 330 U.S. 804, in a per curiam decision stated:

"The motion to dismiss is granted and the appeal is dismissed for want of a substantial federal question. * * *"

[fol. 274] In a number of cases in which state legislative apportionments have been subjected to attack, the statutory courts or districts courts definitely assumed jurisdiction to determine the constitutionality of such state enactments.

In *MacDougall* v. *Green*, D.C.N.D. Ill., E.D., 1948, 80 F. Supp. 725, aff'd 1948, 335 U.S. 281, the statutory court considered the complaint, filed Findings of Fact and Conclusions of Law relative to the issues of the constitutionality of state nominating petition requirements, and held that the provisions were not repugnant or violative of any provision of the United States Constitution.

In *South* v. *Peters*, D.C.N.D. Ga., 1950, 89 F. Supp. 672, aff'd 1950, 339 U.S. 276, the statutory court held a trial at which evidence was presented and made and filed Findings of Fact and Conclusions of Law determining that there was no constitutional violation.

In *Remmey* v. *Smith*, D.C.E.D. Pa., 1951, 102 F. Supp. 708, aff'd 1952, 342 U.S. 916, a statutory court, in a matter involving the Pennsylvania Apportionment Act, declined to act upon the ground that the suit was prematurely brought, did not dismiss because of lack of jurisdiction but for want of equity.

[fol. 275] In *Magraw* v. *Donovan*, D.C.D. Minn., 1958, 159 F. Supp. 901, Devitt, District Judge, held that the question of the invalidity of a Minnesota legislative redistricting act was within the jurisdiction of the court. It should also be noted that although the three-judge court, when convened, deferred action pending legislative adjustment, that court retained jurisdiction of the case. Magraw v. Donovan, D.C.D. Minn., 1958, 163 F. Supp. 184, 188.

The Supreme Court "has never held that apportionment cases necessarily raise non-justiciable questions." As Solicitor General Cox points out in the brief for the United States as amicus curiae in Baker v. Carr at page 24:

"* * * On the contrary, it has passed on the merits of apportionment systems in several cases and has

granted relief in some of them. Thus, in Smiley v. Holm, 285 U.S. 355, the Court held that the existing Minnesota apportionment of United States Representatives did not meet federal requirements because the governor had refused to approve the bill, and accordingly, the Court ordered an election-at-large. The Court also held a state apportionment law invalid (the governor had vetoed it) and ordered an election-at-large in Carroll v. Becker, 285 U.S. 380. And in Koenig v. Flynn, 285 U.S. 375, the Court affirmed a decision of a state court holding that, in the absence of a valid districting statute (the governor had not approved the resolution of the state legislature) to conform to the increase in Representatives allotted to a state by Congress, the additional Representatives must be elected at large." (Brief No. 103)

[fol. 276] The recent decision in Gomillion v. Lightfoot, 1960, 364 U.S. 339, involved a clear-cut assumption of jurisdiction in a *state* apportionment case. While this determination was based upon the Fifteenth Amendment, a reasonable inference is that the court intended to indicate that it would *test* the validity of *state* apportionment by any applicable federal constitutional provision. The step assumed by the court is to *consider*. This does not depend upon whether equitable intervention eventually ensues or upon the result reached on the merits after jurisdiction is entertained.

The recent action of the Supreme Court in granting reargument in the October 1961 Term of the case of Baker v. Carr, 1961, 366 U.S. 907, involving a Tennessee state legislative apportionment, indicates an apparent continuation of this policy. (For the decision below in Baker v. Carr, see 175 F. Supp. 649 and 179 F. Supp. 824.) Baker v. Carr concerns the failure of a state legislature to comply with a state constitutional requirement and, hence, the questions involved are not equivalent to the issues in the case at bar. There, the petitioners *seek enforcement* of a state provision; here, the plaintiffs *seek to bar enforcement*.

In the Solicitor General's amicus curiae brief (pp. 32-33), heretofore mentioned, he comments pertinently on the Civil Rights Acts of 1957 and 1960, as follows:

[fol. 277] "The enactment by Congress, since the Colegrove decision, of the Civil Rights Acts of 1957 and 1960, 71 Stat. 637, 74 Stat. 86, also affects the reliance in the plurality opinion on the exclusively political nature of the election process. The 1957 Civil Rights Act included a provision expressly conferring jurisdiction upon the federal district courts of actions 'to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, *including the right to vote.*' 28 U.S.C. 1343(4) (emphasis added). Congress thereby made clear that, in its view, questions involving 'political' rights, 'including the right to vote,' were 'meet for judicial determination.' Cf. Colegrove v. Green, supra, 328 U.S. at 552. The 1960 Act specifically authorized the federal courts to consider applications for registration for voting under certain circumstances so as to afford complete judicial protection against discrimination. 74 Stat. 90. Congress thereby emphasized, once again, the national policy of relying on the Judiciary as the organ through which the right to vote is to be made fully effective. Both Acts express the intent of Congress and the national consensus that, whatever disagreement may exist as to other civil rights, (1) the right to vote should be afforded federal protection to the fullest possible extent, and (2) that protection should principally take the form of court action." (Brief No. 103)

In short, in view of the foregoing, the conclusion appears inevitable that basic jurisdiction of the subject matter exists. We, therefore, deny the motion to dismiss because of lack of jurisdiction.

Question of Sufficiency of Complaint

Facts which for the purpose of this determination we must consider as admitted include the following:

1. The New York State Constitutional and statutory provisions in reference to apportionment of State Senators [fol. 278] and Assemblymen which are set forth as exhibits in the complaint.

2. The fact that the citizen population of the senatorial districts varies from as low as 146,666 in the Thirty-Ninth Senatorial District (Counties of Essex, Saratoga and Warren) to as high as 344,547 in the Twenty-Sixth and Twenty-Ninth Districts (located in Bronx County). (See Exhibits III and IV attached to complaint.)

3. The fact that the citizen population of the assembly districts varies from as low as 14,066 (Schuyler County) and 17,461 (Yates County) to as high as 115,000 in Bronx County. (See Exhibits III and IV attached to complaint.)

4. That similar results, perhaps with somewhat greater spread, will be likely to occur as a result of the apportionment in 1962 based upon the 1960 census. (See Exhibits I, II and V attached to complaint.)

5. In general, that the senatorial districts and assembly districts of certain urban areas contain a greater citizen population than the districts in so-called rural areas.

6. That no failure of the legislature to comply with the state constitution is claimed and only the so-called malapportionment of senatorial and assembly districts is here involved. (See minutes of November 15, 1961, pp. 32-33.)

[fol. 279] I believe that this court may take judicial notice[2] of certain additional facts, as follows:

1. The revised Constitution of 1894 containing the present apportionment provisions was submitted to the voters on November 6, 1894 and was approved by a vote of 410,697 to 327,402; the legislative apportionment was approved by a vote of 404,335 to 350,625. See Legislative Manual, New York 1961-1962, page 289. On November 7, 1916, on a vote to revise the Constitution and amend the same, the vote was 506,563 for and 658,269 against. Id. at 292. On November 5, 1957, the vote for a convention to revise the Constitution and amend the same was 1,242,568 for and 1,368,063 against. Id. at 309.

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[2] People v. Wood, 1892, 131 N.Y. 617; Field v. Clark, 1892, 143 U.S. 649; Stawski v. John Hancock Ins. Co., 1957, 7 Misc. 2d 424; People v. Snyder, 1869, 41 N.Y. 397; Taylor v. City of White Plains, 1954, 135 N.Y.S. 2d 773.

2. In practically every state apportionment results in "over-representation" of the least populated areas. (See Reapportionments of State Legislatures by Lashley G. Harvey, 17 Law & Contemporary Problems 364, 1952; National Municipal League, Compendium on Legislative Apportionment (1st Ed. 1960).)

[fol. 280] 3. The State of New York is divided into 62 counties extending from Suffolk County westward to Chautauqua County, from Richmond County in the south to Saint Lawrence, Franklin and Clinton Counties along the St. Lawrence River and the Canadian border, with a total area of 49,576 square miles, with a variety of agricultural, industrial and other economic interests.

4. New York City with a population of 7,781,984 or 46.0% of the state's population of 16,782,304, has 65 assemblymen or 43.3% of the total assembly, and 25 senators or 43.1% of the total number of senators, while the counties other than those in New York City, with 54.0% of the population, have 56.7% of the total assembly and 56.9% of the senate seats.

5. The courts of the State of New York have approved the present methods of apportionment. Matter of Sherrill v. O'Brien, 1907, 188 N.Y. 185; Matter of Fay, 1943, 291 N.Y. 198; see also Matter of Dowling, 1915, 219 N.Y. 44.

There is no authoritative indication that the relative weight accorded individual votes in elections for the state legislature, pursuant to the applicable provisions of the State Constitution, is protected by the equal protection clause of the Fourteenth Amendment. In fact, the contrary seems true. Section 5 of the Fourteenth Amendment pro-[fol. 281] vides: "The Congress shall have power to enforce, by appropriate legislation, the provisions of this Article." Obviously the enforcement of the evident prohibitions of the Fourteenth Amendment is no invasion of state sovereignty, since the people of the states have by the Constitution so empowered Congress to act. Ex parte Virginia, 1879, 100 U.S. 339, 346.

To assert, however, that the Fourteenth Amendment was intended to give Congress or the federal courts con-

trol of the state constitutional provisions for the apportionment of districts for the election of the state legislators is beyond reasonable belief. There is apparently no express or implied incorporation of such power. If it exists, it certainly has never been exercised. Consideration of the existing state constitutions and statutes in force at the time of the adoption of the Fourteenth Amendment creates formidable doubt with respect to any such intent.[3] [fol. 282] The historical basis of county representation was set forth in brief for the United States as amicus curiae on reargument of Baker v. Carr at the October 1961 Term of the Supreme Court in these words:

> "• • • Historically, the claim of political subdivisions to representation regardless of size has been an important reason for departing from the strict rule of apportionment according to population. Early in our history the town or county was often a dominant unit of government, and the colonial assembly and later the State legislature were composed of representatives from these entities. Since it was the town or county that was being represented, in a very real sense, and not the people directly, it was natural to guarantee each unit at least one representative in one,

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[3] In this connection, Mr. Justice Edwards in Scholle v. Hare, 1960, 360 Mich. 1, 104 N.W. 2d 63, stated in part:

"Of the 37 States in the union in 1868, 9 had constitutional provisions for election of representatives to at least 1 of the houses of their legislatures which based representation on constitutionally described legislative districts with constitutionally allocated representation without any pretense of guarantee of equality of popular representation. These States are Vermont, Rhode Island, Connecticut, New Hampshire, New Jersey, Delaware, Maryland, South Carolina and Nevada. [p. 111]

• • •

"Between 1868 and the present time, additional States have entered the Union. [p. 113]

• • •

"Of the 13 States whose Constitutions were approved for admission, 8 such Constitutions (for the States of Arizona, Alaska, Hawaii, Idaho, Montana, New Mexico, Oklahoma, Utah) contained provisions for election of at least 1 legislative house which fell into 1 of the 3 categories of disproportion • • •." (pp. 113-114)

> and sometimes both, of the branches of the legislature. Such provisions are still found in the constitutions of twenty-seven States. * * *" (pp. 28-29, Brief No. 6)

The Fourteenth Amendment did not invest and did not attempt to invest Congress with power to legislate upon subjects which are within the domain of state legislation. In re Rahrer, 1891, 140 U.S. 545, 554-555. The states have broad powers to determine the conditions under which the right of suffrage may be exercised in the absence of [fol. 283] discrimination condemned by the Constitution (such as the Fifteenth and Nineteenth Amendments).[4] This thought was expressed by Chief Justice Waite in Minor v. Happersett, 1874, 88 U.S. 162, 175, when he wrote:

> "* * * [A]fter the adoption of the fourteenth amendment, it was deemed necessary to adopt a fifteenth, as follows: 'The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.' The fourteenth amendment had already provided that no State should make or enforce any law which should abridge the privileges or immunities of citizens of the United States. If suffrage was one of these privileges or immunities, why amend the Constitution to prevent its being denied on account of race, &c? Nothing is more evident than that the greater must include the less, and if all were already protected why go through with the form of amending the Constitution to protect a part?"

The Minor case held in effect that the limitation of suffrage to male citizens was not a violation of the Fourteenth Amendment.

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[4] Lassiter v. Northampton County Bd. of Elections, 1959, 360 U.S. 45; Smith v. Allwright, 1944, 321 U.S. 649, rehearing denied, 322 U.S. 769; Guinn v. United States, 1915, 238 U.S. 347. See also United States v. Cruikshank, 1876, 92 U.S. 542; Davis v. Schnell, D.C.D. Ala., 1949, 81 F. Supp. 872, aff'd, 336 U.S. 933.

[fol. 284] The Fifteenth Amendment and the Nineteenth Amendment together provide that the rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, previous condition of servitude or sex. "In fact, the very command of the Amendment [i.e., the Fifteenth] recognizes the possession of the general power of the State, since the Amendment seeks to regulate its exercise as to the particular subject with which it deals. • • • [T]he amendment does not change, modify or deprive the States of their full power as to suffrage except of course as to the subject with which the Amendment deals and to the extent that obedience to its command is necessary." Guinn v. United States, 1915, 238 U.S. 347, 362. See also Pope v. Williams, 1904, 193 U.S. 621. The right to suffrage is not inherent in citizenship, nor is it a natural and inalienable right. Unless restrained by constitutional limitations, the legislature may lawfully confer the right of suffrage upon such portions of the citizens of the United States, as it may deem expedient, and may deny that right to others. United States v. Miller, D.C.D. Ind., 1901, 107 Fed. 913. See also United States v. Reese, 1875, 92 U.S. 214.

The Fourteenth, Fifteenth and Nineteenth Amendments were not designed to abrogate the Tenth Amendment, which states: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," [fol. 285] except to the extent reasonably indicated by the restrictions of such subsequent amendments. Siegel v. Ragen, 7 Cir., 1950, 180 F. 2d 785, cert. denied, 339 U.S. 990, rehearing denied, 340 U.S. 847. See United States v. Butler, 1936, 297 U.S. 1; Gordon v. United States, 1864, 117 U.S. 697; The Collector v. Day, 1870, 78 U.S. 113, 124.

The United States Supreme Court has repeatedly acted adversely upon claims involving complaints similar to the one in this case. Cook v. Fortson, D.C.N.D. Ga., 1946, 68 F. Supp. 624 and Turman v. Duckworth, D.C.N.D. Ga., 1946, 68 F. Supp. 744 (county unit system), appeals dismissed, 329 U.S. 675; MacDougall v. Green, D.C.N.D. Ill., 1948, 80 F. Supp. 725 (requirements of signatures of 200 qualified voters from each of at least 50 counties as a pre-

requisite for nomination for state office), aff'd, 1948, 335 U.S. 281; South v. Peters, D.C.N.D. Ga., 1950, 89 F. Supp. 672 (county unit rule), aff'd, 1950, 339 U.S. 276 ("Relief prayed for be denied and that the petition be dismissed."); Remmey v. Smith, D.C.E.D. Pa., 1951, 102 F. Supp. 708 (complaint—malapportionment of state legislative districts), appeal dismissed, 1952, 342 U.S. 916 (lack of a substantial federal question); Kidd v. McCanless, 1956, 200 Tenn. 273, 292 S.W. 2d 40 (malapportionment of state legislative districts), appeal dismissed, 1956, 352 U.S. 920; Radford v. Gary, D.C.W.D. Okla., 1956, 145 F. Supp. 541 (state legislature apportionment of state legislative districts), aff'd 1957, 352 U.S. 991; Matthews v. Handley, D.C.N.D. [fol. 286] Ind., 1959, 179 F. Supp. 470 (attempt to have federal court declare a state revenue unconstitutional because enacted by a state legislature in which districts were not apportioned as required by state constitution), aff'd, 1959, 361 U.S. 127.

Substantial authority thus supports the position taken by this present statutory court. In MacDougall v. Green, 1948, 335 U.S. 281, in a per curiam opinion, the majority of the Supreme Court stated:

> "• • • *To assume that political power is a function exclusively of numbers is to disregard the practicalities of government.* Thus, the Constitution protects the interests of the smaller against the greater by giving in the Senate entirely unequal representation to populations. It would be strange indeed, and doctrinaire, for this Court, applying such broad constitutional concepts as due process and equal protection of the laws, to deny a State the power to assure a proper diffusion of political initiative as between its thinly populated counties and those having concentrated masses, in view of the fact that the latter have practical opportunities for exerting their political weight at the polls not available to the former. The Constitution—a practical instrument of government—makes no such demands on the States. Colegrove v. Green, 328 U.S. 549, and Colegrove v. Barrett, 330 U.S. 804." 335 U.S. at 283-284 (Emphasis added) (Nominating procedures.)

Cf. Wood v. Broom, 1932, 287 U.S. 1, where Justices Brandeis, Stone, Roberts and Cardozo were of the opinion that the decree should be dismissed "for want of equity" (congressional districts involved).[5]

[fol. 287] Opinions by previous three-judge courts are in agreement with this court. In a per curiam majority opinion in South v. Peters, D.C.N.D. Ga., 1950, 89 F. Supp. 672, the court stated:

> "Plaintiff's proposition that a vote in Fulton County has only one tenth the force that it would have but for the county unit rule of the Neill Primary Act, which is unjust and undemocratic, has strong appeal, but it is not a matter for this court to decide. Our question is primarily whether the federal Constitution is violated thereby. In general, that Constitution is not committed to elections by the people over the whole affected territory in which every vote will have equal weight, but rather the voting is by smaller units of unequal population and unequal voting power for each vote. • • • [p. 679]
>
> • • •
>
> "We therefore cannot say there is any general constitutional principle forbidding or discouraging the use of territorial subdivisions in fixing the manner of conducting an election by the people. Whether subdivisions shall be made and how closely they shall be equalized is a matter of policy, that is to say, is a political question in which courts of equity may not meddle to set up their own ideas. • • • [p. 679-680]
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> • • •

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[5] Holmes, District Judge, on a three-judge court, dissenting in Broom v. Wood, D.C.S.D. Miss., 1932, 1 F. Supp. 134, and whose position was in effect sustained by the United States Supreme Court in Wood v. Broom, supra:

> "• • • The equal protection clause of the Fourteenth Amendment is inapplicable. No statutory or constitutional provision gives any elector the right to vote in a district numerically equal in inhabitants to every other congressional district. • • •" (1 F. Supp. at 137)

> "The federal Constitution does not take from the States their right to set up their own internal organization and prescribe the manner of State elections. • • • " (p. 680)

Biggs, Circuit Judge, for a three-judge court in Remmey v. Smith, supra declared:

> " • • • *A fortiori* if a court of the United States should not compel a State Legislature to effect a reapportionment relative to the national representative elective system, it should not do so in respect to an apportionment system whereby Representatives in States legislatures are to be chosen. An action such as that at bar may strike at the very heart of our dual system of government under which the United States and the States must remain sovereign in their spheres. • • • " (p. 710)

[fol. 288] In a concurring opinion by Bard, District Judge, in the same case, it was stated:

> "The free and untrammeled right or privilege of suffrage is not given by any article of or Amendments to the Federal Constitution. • • • " (p. 711)

The Supreme Court of Wisconsin in State ex rel Thomson v. Zimmerman, 1953, 264 Wis. 644, 60 N.W. 2d 416, held that a statute providing that area shall be figured at 30% and population at 70% in establishing the 33 districts each of which is entitled to a representative in the state senate did not deprive citizens of equal protection of the laws contrary to the Fourteenth Amendment of the federal Constitution. "We consider that it lies with the people of the state to determine the basis upon which legislative districts are to be established and their will in this is final."*

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* Anthony Lewis, (Legislative Apportionment and the Federal Courts, 71 Harv. L. Rev. 1057, April 1958) has stated:

"• • • interests other than population may be important in devising a system of representation. For example, geographic areas may have political interests that suggest their use as units of

[fol. 289] The plaintiffs charge the State of New York with a "purposeful and systematic plan" to discriminate against certain geographic areas and classes of persons. (Par. 17 of complaint) However, the rule is general with reference to the enactments of all legislative bodies that the courts cannot, with certain exceptions, inquire into the motives of the legislators. Soon Hing v. Crowley, 1885, 113 U.S. 703, 710. "The knowledge and good faith of a legislature are not open to question. It is conclusively presumed that a legislature acts with full knowledge and in good faith." United States v. Des Moines &c. Company, 1892, 142 U.S. 510, 544. See also Sonzinsky v. United States, 1937, 300 U.S. 506, 513; McGowan v. Maryland, 1961, 366 U.S. 420, 468, 469.

I, therefore, find that the complaint fails to state a claim upon which relief can be granted and, accordingly, it must be dismissed. In this connection, I have not considered the affidavits separately submitted by the plaintiffs, since I have concluded that the motion may be determined upon the complaint (including exhibits attached) alone.

Want of Equity and Want of Justiciability

If the insufficiency of the complaint be not adequate to require dismissal of the complaint, as I believe it is, then the want of equity in the relief sought, or, to view it slightly differently, want of justiciability, clearly demands dismissal.

[fol. 290] In New York State, as already enunciated, the present system of legislative apportionment, whatever may be its merits, has been imbedded in a state constitution which has been approved by referendum of the voters who have subsequently voted to retain the constitution in which the method adopted is contained. The legislative acts are wholly in accord with the state constitutional requirements.

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representation. The only system based entirely on population, without regard to geography, would be one of proportional representation. Representation based on districts of approximately equal population tends to accommodate both geographic and numerical interests."

In whatever manner we may view the basis of Judge Frankfurter's admonition in Colegrove v. Green, supra, that "Courts ought not to enter this political thicket," the proposed and unprecedented direction by a federal court of the *state constitutional provisions* in respect to state legislative apportionments would initiate a far-reaching revision of federal-state relationships. Efforts to control the basic law of the states in such matters would impose an imponderable burden upon the federal courts in nearly all of the states of this union. The inherent impracticabilities of such a course demonstrate the want of equity or justiciability in such a procedure.

Whether the Supreme Court of the United States in disposing of Baker v. Carr, supra, recently reargued and now sub judice, will decide that the Tennessee voters under federal constitutional provisions have a right to federal enforcement of the Tennessee state constitutional apportionment provisions, is yet to be determined. That question [fol. 291] involves effectuation of a specific plan. This case involves interference with the enforcement of state constitutional provisions as well as some consequential but ill-defined supervision of the formation and enactment of a substitute plan.

The teachings of the decisions of the Supreme Court show that want of equity or justiciability demands the dismissal of this suit. These factors, I believe, were the decisional rationale revealed in cases in which the complaint was dismissed because of the "want of a substantial federal question" or because of "want of equity." See Colegrove v. Green, supra; Colegrove v. Barrett, supra; MacDougall v. Green, supra; South v. Peters, supra; Remmey v. Smith, supra.

Thus, want of equity and justiciability demand denial of the relief sought.

In view of the foregoing, it is unnecessary to pass upon the motion to dismiss as to the plaintiff W.M.C.A., Inc. upon the ground of lack of standing.

The complaint is dismissed.

So ordered.

Dated: New York, N. Y., January 11, 1962.

[fol. 292] RYAN, District Judge, concurring:

I concur with Judge Levet and the conclusions he has reached that this Court has jurisdiction to entertain this suit and that the complaint should be dismissed on its merits.

Although there is authority for argument that federal courts lack jurisdiction to pass on the propriety of state legislative apportionment, Colegrove v. Green, 328 U.S. 549 (1946), subsequent decisions[1] appear to hold that federal courts do have jurisdiction to rule on the Constitutional propriety of state legislative apportionment but that this jurisdiction should be exercised only under the most compelling circumstances.

The breadth and scope of the compelling reasons which would support exercise of this jurisdiction have not been specifically defined but *Gomillion* v. *Lightfoot*, 364 U.S. [fol. 293] 339, 346 (1960), seems to carry the implication that an attempt by a state to abridge the vote or operate to effectively discriminate against any particular class or group through the fixing of internal political boundaries or legislative election districts will lie within this area of compelling circumstances. Apparent and patent violation of the 15th Amendment or of any other specific injunction of the Constitution would then lift the propriety of state action out of the so-called political sphere.

There is no claim made here that the apportionment formula before us or the laws enacted to apply it effect a discrimination against any particular racial or religious group. The complaint is that the method of apportionment gives rise solely to territorial or purely geographical discrimination which grossly dilutes the vote of urban dwellers. Judicial interference by federal courts with the power of the state to create internal political or geographical boundaries affecting the right of suffrage can not be supported by mere territorial discrimination and nothing more.

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[1] *Thurman* v. *Duckworth*, 68 F. Supp. 744; appeal dismissed 329 US 675; *South* v. *Peters*, 89 F. Supp. 672, aff'd 339 U.S. 276; *Kidd* v. *McCanless*, 200 Tenn. 273, appeal dismissed 352 US 920; *Radford* v. *Gary*, 145 F. Supp. 541, aff'd 352 US 991; *Magraw* v. *Donovan*, 163 F. Supp. 184.

This Court, while possessing jurisdiction, on the undisputed facts before us should not interfere in what Mr. Justice Frankfurter has characterized as a "political thicket". I concur with Judge Levet in exercising jurisdiction and in dismissing the complaint.

[fol. 294] WATERMAN, Circuit Judge, concurring:

I concur in denying relief to the complainants.

I believe we must follow the majority result in *Golegrove* v. *Green*, 328 U.S. 549 (1946). Whether we deny relief by adopting the rationale of the three Justices who labeled apportionment matters "political questions" or by adopting that of Mr. Justice Rutledge who thought the Court should decline to exercise its equity jurisdiction, the result in the present case is the same—a dismissal of the complaint without reaching the merits because the issues are "not meet for adjudication." Frankfurter, *J.*, in *Gomillion* v. *Lightfoot*, 364 U.S. 339, 346 (1960), explaining the decision in *Colegrove* v. *Green*.

My colleagues deny relief after having taken jurisdiction of the case. I do not quarrel directly with them, but because I believe this litigation is not justiciable I think it appropriate to point out the admonition of Mr. Justice Frankfurter relative to "jurisdiction" stated by him in *Colegrove*.

> "We are of the opinion that the petitioners ask of this Court what is beyond its competence to grant. This is one of those demands on judicial power which cannot be met by verbal fencing about 'jurisdiction.' It must be resolved by considerations on the basis of which this Court, from time to time, has refused to intervene in controversies. It has refused to do so because due regard for the effective working of our Government revealed this issue to be of a peculiarly political nature and therefore not meet for judicial determination."

[fol. 295] Judge Levet also recognizes that *Colegrove* may require us to dismiss this case for lack of justiciability. I concur in this part of his opinion. I cannot concur in his

full opinion, however, for I think it unnecessary and undesirable at this time to pass on the justiciability of this or similar future litigation in the event that *Colegrove* v. *Green* should cease to be controlling authority, and I do not think it appropriate for me to express any views with reference to whether the present legislative apportionment in the State of New York violates the Fourteenth Amendment to the United States Constitution.

Therefore, inasmuch as the plaintiffs have failed to state a claim upon which relief can be granted, I concur with my colleagues in dismissing the complaint.

[fol. 296] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

61 Civ. 1559

W.M.C.A., INC.; R. PETER STRAUS; JOSEPH DE MAIO; EDWARD LIND; S. THOMAS DELANEY; EDWARD C. BROWN; JAMES J. MCCAFFERTY, Plaintiffs,

—vs—

CAROLINE K. SIMON, Secretary of the State of New York, LOUIS J. LEFKOWITZ, Attorney General of the State of New York, ABE STARK, President of the City Council of the City of New York; A. HOLLY PATTERSON, Chairman, Board of Supervisors, Nassau County; OWEN M. QUINN, Chairman, Board of Supervisors, Westchester County, WILLIAM J. LEONARD, Chairman, Board of Supervisors, Suffolk County, DENNIS J. MAHON, JAMES POWERS, JOHN R. CREWS, THOMAS MALLEE, Commissioners, Board of Elections, New York City, Defendants.

JUDGMENT—January 11, 1962

A Statutory Court consisting of Sterry R. Waterman, CJ, Sylvester J. Ryan and Richard H. Levet, JJ., in an

opinion dated and filed January 11, 1962, having ordered the dismissal of the complaint, it is

Adjudged: The defendants herein have judgment against the plaintiffs.

Dated: New York, N. Y.
January 11, 1962.

Herbert A. Charlson, Clerk—G.E.S.

[fol. 314] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

61 Civ. 1559

WMCA, INC., R. PETER STRAUS, JOSEPH DE MAIO, EDWARD LIND, S. THOMAS DELANEY, EDWARD C. BROWN, JAMES J. MCCAFFERTY, Plaintiffs,

—against—

CAROLINE K. SIMON, Secretary of State of the State of New York, LOUIS J. LEFKOWITZ, Attorney General of the State of New York, PAUL R. SCREVANE, President of the City Council of the City of New York, EUGENE H. NICKERSON, County Executive, Nassau County, OWEN M. QUINN, Chairman, Board of Supervisors, Westchester County, WILLIAM J. LEONARD, Chairman, Board of Supervisors, Suffolk County, DENIS J. MAHON, JAMES POWER, JOHN R. CREWS, THOMAS MALLEE, Commissioners, Board of Elections, New York City, Defendants.

ORDER ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES—July 10, 1962

It appearing that on January 11, 1962, a three-judge district court consisting of the Honorable Sterry R. Waterman, Circuit Judge, the Honorable Sylvester J. Ryan, Chief

Judge of the District Court, and the Honorable Richard H. Levet, District Judge, determined that, on defendants' motions, the complaint herein should be dismissed; and

It further appearing that an appeal from said dismissal was taken to the Supreme Court of the United States, which Court, on June 11, 1962, vacated the judgment herein and remanded the case for further consideration; and

[fol. 315] It further appearing that, on appeal to the Supreme Court of the United States, that Court granted the motions to substitute Paul R. Screvane in place of Abe Stark and Eugene H. Nickerson in place of A. Holly Patterson, as parties appellee; and

It further appearing that pursuant to Rule 59 of the Revised Rules of the Supreme Court of the United States the mandate of that Court issue on July 6th, 1962;

It Is Hereby Ordered, pursuant to Rule 34 of the Rules of this Court, that the order and judgment of the Supreme Court of the United States be, and it hereby is, made the order and judgment of this Court; and

It Is Hereby Further Ordered that the defendants answer or otherwise move in respect to the complaint herein on or prior to the 30th day of July, 1962.

New York, N. Y.
July 10th, 1962.

Sterry R. Waterman, Sylvester J. Ryan, Richard H. Levet.

July 9, 62. Costs taxed in sum of $100.00 favor of plaintiffs for Judgment Supreme Court of U. S. dated June 11, 1962.

Herbert A. Charlson, Clerk.

Docketed as #65,483. A Judgment on August 9, 1962. At 4:15 P.M.

[fol. 316] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

No. 61 Civ. 1559

W.M.C.A., INC.; R. PETER STRAUS; JOSEPH DE MAIO; EDWARD LIND; S. THOMAS DELANEY; EDWARD C. BROWN; JAMES J. MCCAFFERTY, Plaintiffs,

—against—

CAROLINE K. SIMON, Secretary of State of the State of New York, LOUIS J. LEFKOWITZ, Attorney General of the State of New York, PAUL R. SCREVANE, President of the City Council of the City of New York, EUGENE H. NICKERSON, Chairman, Board of Supervisors, Nassau County; OWEN M. QUINN, Chairman, Board of Supervisors, Westchester County, WILLIAM J. LEONARD, Chairman, Board of Supervisors, Suffolk County, DENIS J. MAHON, JAMES POWERS, JOHN R. CREWS, THOMAS MALLEE, Commissioners, Board of Elections, City of New York, Defendants.

ANSWER OF DEFENDANT, EUGENE H. NICKERSON, ETC.—Filed July 25, 1962

Defendant, Eugene H. Nickerson, Chairman of the Board of Supervisors of Nassau County, sued herein as representative of the Board of Supervisors of Nassau County, by Bertram Harnett, County Attorney of Nassau County, for his answer to the complaint herein:

Denies knowledge or information sufficient to form a belief as to the allegations in paragraphs 3 and 4 therein.

Admits each and every allegation contained in paragraphs numbered 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, [fol. 317] 16, 17, 18, 19, 20, and 21 therein.

Wherefore, the defendant, Eugene H. Nickerson, does respectfully consent and affirmatively requests that the

Court grant to the plaintiffs herein the relief prayed for in their complaint.

Dated, July 19, 1962.

Bertram Harnett, County Attorney of Nassau County, Attorney for Defendant, Eugene H. Nickerson, Chairman, Board of Supervisors of Nassau County, Office & P. O. Address, Nassau County Executive Building, Mineola, New York.

[fol. 320] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

61 Civil 1559

W.M.C.A., INC.; R. PETER STRAUS, JOSEPH DE MAIO; EDWARD LIND; S. THOMAS DELANEY; EDWARD C. BROWN; JAMES J. MCCAFFERTY, Plaintiffs,

—against—

CAROLINE K. SIMON, Secretary of State of the State of New York; LOUIS J. LEFKOWITZ, Attorney General of the State of New York; ABE STARK, President of the City Council of the City of New York; A. HOLLY PATTERSON, Chairman, Board of Supervisors, Nassau County; OWEN M. QUINN, Chairman, Board of Supervisors, Westchester County; WILLIAM J. LEONARD, Chairman, Board of Supervisors, Suffolk County; DENIS J. MAHON, JAMES POWER, JOHN R. CREWS, THOMAS MALLEE, Commissioners, Board of Elections, New York City, Defendants.

ANSWER OF DEFENDANT LEONARD BERMAN, ETC.—Filed July 26, 1962

Leonard Berman, as successor to defendant Owen M. Quinn, Chairman of the Board of Supervisors, Westchester

County, by his attorney Francis J, Morgan, Acting County Attorney, for his answer to the complaint:

First Defense

The complaint fails to state a claim against the said defendant upon which relief can be granted.

Second Defense

Defendant admits the allegations contained in paragraphs "1", "2", "5", "7", "8", "9" and "11" of the complaint; alleges that he is without knowledge or information sufficient to form a belief as to the truth of the allegations [fol. 321] contained in paragraphs "3", "4", "10", "14" and "15" of the complaint; and denies each and every allegation contained in paragraphs "6", "12", "13", "16", "17", "18", "19", "20" and "22" of the complaint.

Wherefore, defendant Chairman of the Board of Supervisors of Westchester County demands judgment dismissing the complaint together with costs and disbursements.

Dated, June 21st, 1962.

Francis J. Morgan, Acting County Attorney of Westchester County, Attorney for Defendant, Chairman of the Board of Supervisors of Westchester County, Office & P.O. Address, County Office Building, White Plains, N. Y.

[fol. 322] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

61 Civ. 1559

W.M.C.A., INC.; R. PETER STRAUS; JOSEPH DE MAIO; EDWARD LIND; S. THOMAS DELANEY; EDWARD C. BROWN; JAMES J. MCCAFFERTY, Plaintiffs,

—against—

CAROLINE K. SIMON, Secretary of State of the State of New York; LOUIS J. LEFKOWITZ, Attorney General of the State of New York; ABE STARK, President of the City Council of the City of New York; A. HOLLY PATTERSON, Chairman, Board of Supervisors, Nassau County; OWEN M. QUINN, Chairman, Board of Supervisors, Westchester County; WILLIAM J. LEONARD, Chairman, Board of Supervisors, Suffolk County; DENNIS J. MAHON, JAMES POWERS, JOHN R. CREWS, THOMAS MALLEE, Commissioners, Board of Elections, New York City, Defendants.

ANSWER OF DEFENDANTS, CAROLINE K. SIMON AND LOUIS J. LEFKOWITZ—Filed July 27, 1962

The defendants Caroline K. Simon and Louis J. Lefkowitz answer the complaint as follows:

First Defense

This Court lacks jurisdiction over the subject matter of this action.

Second Defense

The complaint fails to state a claim upon which relief can be granted.

Third Defense

N. Y. Const. Art. III, §§2-5, and State Law §§121, 123 do not violate the Constitution of the United States.

[fol. 323]

Fourth Defense

The People of the State of New York have the right, under N.Y. Const. Art. XIX, § 2, to convene a constitutional convention and amend the State Constitution, without the approval of the Legislature.

Fifth Defense

The People of the State of New York, exercising their rights under N.Y. Const. Art. XIX, § 2, have repeatedly refused to alter the present State Constitutional formula for apportioning members of the Legislature. In 1915 and 1938, pursuant to Article XIX, § 2, the People rejected proposals by their constitutional convention to amend the apportionment formula. In 1916 and 1957, the People of the State of New York voted against holding a constitutional convention.

Sixth Defense

The 1962 legislative elections are so imminent that it would be impracticable to grant plaintiffs' demand for injunctive relief. Pursuant to the New York State Election Law, primary elections are to be held on September 6, 1962; designating petitions are now being circulated and must be filed between July 31 and August 7, 1962; and independent nominating petitions must be filed during the week beginning September 17, 1962. Thus, the granting of an injunction would in effect prevent the election of a new Legislature, contrary to the best interests of the People of the State of New York.

Seventh Defense

Since W.M.C.A., Inc., is a corporation and not a qualified voter, it lacks standing to challenge the State Constitu-
[fol. 324] tional and statutory provisions here attacked.

Eighth Defense

1. Defendants deny the allegations of paragraphs 12, 15, 16, 17, 18 and 22 of the complaint; admit the allegations of paragraphs 2, 3, 7, 8, 9 and 11; and allege that they

are without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4.

2. Defendants deny the allegations of paragraph 1 of the complaint, except that they admit that plaintiffs purport to base their complaint upon the Civil Rights and Declaratory Judgment Acts.

3. Defendants admit the allegations of paragraph 5 of the complaint, except that Paul Screvane is now President of the City Council of the City of New York and Eugene Nickerson, Leonard Berman and Arthur M. Cromarty are now the Chairmen respectively, of the Boards of Supervisors of Nassau, Westchester and Suffolk Counties.

4. Defendants deny the allegations of paragraph 6 of the complaint, except that they admit that plaintiffs seek declaratory and injunctive relief.

5. Defendants deny that the committee is preparing its report on the basis of the "preliminary" 1960 census figures; allege that they are without knowledge or information sufficient to form a belief as to the truth of the allegation that the proposed reapportionment is being prepared "at considerable cost and expense to the taxpayers"; and admit the other allegations of paragraph 10 of the complaint.

[fol. 325] 6. Defendants deny the allegations of paragraph 13 of the complaint, except that they admit that the State Constitution in effect provides (a) that no county shall have four or more senators unless it has a full ratio for each senator; (b) that if any county having three or more senators is entitled to more senators than in 1894, the total membership of the senate is increased to that extent; and (c) that each county except Hamilton is entitled to at least one assemblyman in the 150-member assembly.

7. Defendants deny the allegations of paragraph 14 of the complaint, except that they admit that the figures stated for citizen population and for senate and assembly representation are accurate.

8. Defendants deny the allegations of paragraph 19 of the complaint, except that they admit that they are required to perform their duties in accordance with the Constitution and statutes of the State of New York.

9. Defendants admit that they are required to perform their functions consistent with the Constitution of the State of New York; admit that an amendment to the State Constitution under the provisions of Article XIX, § 1, could not be effected "prior to the next statewide election in 1962 or for sometime thereafter"; and deny the other allegations of paragraph 20 of the complaint.

[fol. 326] Wherefore defendants demand judgment that the complaint herein be dismissed and that they have their costs and disbursements of this action.

Louis J. Lefkowitz, Attorney General of the State of New York, Attorney pro se and for Defendant Simon, By: Irving Galt, Assistant Solicitor General, Office & P.O. Address, 80 Centre Street, New York 13, N.Y.

New York, N.Y., July 25, 1962.

[fol. 328] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
61 Civ. 1559

W.M.C.A., INC., R. PETER STRAUS, JOSEPH DE MAIO, EDWARD LIND, S. THOMAS DELANEY, EDWARD C. BROWN, JAMES J. McCAFFERTY, Plaintiffs,

—against—

CAROLINE K. SIMON, Secretary of State of the State of New York, LOUIS J. LEFKOWITZ, Attorney General of the State of New York, PAUL R. SCREVANE, President of the City Council of the City of New York, EUGENE H. NICKERSON, County Executive, Nassau County, OWEN M. QUINN, Chairman, Board of Supervisors, Westchester County, WILLIAM J. LEONARD, Chairman, Board of Supervisors, Suffolk County, DENIS J. MAHON, JAMES POWER, JOHN R. CREWS, THOMAS MALLEE, Commissioners, Board of Elections, New York City, Defendants.

ANSWER OF DEFENDANT, ARTHUR M. CROMARTY, ETC.
—Filed July 31, 1962

Arthur M. Cromarty, as successor by election to defendant William J. Leonard, Chairman of the Board of Supervisors of Suffolk County and as representative of such Board, by George W. Percy, Jr., County Attorney of Suffolk County, for his answer to the complaint:

First Defense

The Complaint fails to state a claim against the said defendant upon which relief can be granted.

Second Defense

Admits the allegations contained in paragraphs 1, 2, 5, 7, 8, 9 and 11 of the complaint; alleges that he is without [fol. 329] knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 3, 4, 10, 13, 14 and 15 of the complaint; and, upon information and belief, denies each and every allegation contained in paragraphs 6, 12, 16, 17, 18, 19, 20 and 22 of the complaint.

Wherefore, defendant Chairman of the Board of Supervisors of Suffolk County demands judgment dismissing the complaint, together with costs and disbursements.

Dated: July 27, 1962.

George W. Percy, Jr., Suffolk County Attorney, Attorney for Defendant Chairman of the Board of Supervisors of Suffolk County, Office and Post Office Address, Suffolk County Center, Riverhead, New York.

[fol. 330a] [File endorsement omitted]

[fol. 332]

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

61. Civil 1559

W.M.C.A., INC.; R. PETER STRAUS; JOSEPH DE MAIO; EDWARD LIND; S. THOMAS DELANEY; EDWARD C. BROWN; JAMES J. MCCAFFERTY, Plaintiffs,

—against—

CAROLINE K. SIMON, Secretary of State of the State of New York, LOUIS J. LEFKOWITZ, Attorney General of the State of New York, ABE STARK, President of the City Council of the City of New York; A. HOLLY PATTERSON, Chairman, Board of Supervisors, Nassau County; OWEN M. QUINN, Chairman, Board of Supervisors, Westchester County, WILLIAM J. LEONARD, Chairman, Board of Supervisors, Suffolk County, DENNIS J. MAHON, JAMES POWERS, JOHN R. CREWS, THOMAS MALLEE, Commissioners, Board of Elections, New York City, Defendants.

Transcript of Hearing—August 1, 1962

New York, August 1, 1962;
10 o'clock a.m.

Before: Hon. Sterry R. Waterman, Circuit Judge, Hon. Sylvester J. Ryan, District Judge, and Hon. Richard H. Levet, District Judge.

[fol. 333] APPEARANCES:

Robinson, Silverman, Pearce & Aronsohn, Esqs., and Max Gross, Esq., Attorneys for Plaintiffs; Leonard B. Sand, Esq., Max Gross, Esq., and Matthew Silverman, Esq., of Counsel.

Irving Galt, Esq., Assistant Solicitor General, Attorney for Defendant Louis J. Lefkowitz, Attorney General of

the State of New York; Irving Galt, Esq., George C. Mantzoros, Esq., and Sheldon Raab, Esq., of Counsel.

Bertram Harnett, Esq., Attorney for Nassau County; Eugene H. Nickerson, Esq., and Douglas P. Null, Esq., of Counsel.

Francis J. Morgan, Esq., Attorney for Westchester County; Irving Libenson, Esq., Assistant County Attorney, of Counsel.

Leo A. Larkin, Esq., Corporation Counsel of The City of New York, attorney for Board of Elections, President of the City Council, et cetera; Benjamin Offner, Esq., and George H. P. Wight, Esq., of Counsel.

George W. Percy, Jr., Esq., Attorney for Suffolk County; Stanley Corwin, Esq., of Counsel.

[fol. 334] Judge Waterman: First of all, I think we ought to check the appearances. There may have been some changes since we had the case before and have been riding up and down.

For the plaintiffs, ready?

Mr. Sand: Ready for the plaintiffs, your Honor.

Judge Waterman: You are?

Mr. Sand: Leonard B. Sand, and my co-counsel are Max Gross and Mr. Matthew Silverman.

Judge Waterman: And for the State of New York?

Mr. Galt: The same appearances, if your Honor please: Irving Galt, George C. Mantzoros and Sheldon Raab.

Judge Waterman: And who is going to address us? Are you?

Mr. Galt: Yes, your Honor.

Judge Waterman: And for the Corporation Counsel of The City of New York?

Mr. Offner: My name is Benjamin Offner, and my associate is George B. Wight. We are both here and represent the City Council and the defendants constituting the Board of Elections.

[fol. 335] Judge Waterman: As I understand the pleadings today, there is very little that you will say to us; it has all been pleaded; is that right?

Mr. Offner: We will probably agree with everything the plaintiffs will say.

Judge Waterman: Do you wish any time?

Mr. Offner: I can't say at the present time.

Judge Waterman: All right.

Nassau County, County Chairman. Is there a difference between the County Chairman and the county attorney?

Mr. Nickerson: Not at all. Since the case was in this court, your Honor, there has been a change in the chairman of the board.

Judge Waterman: Yes. I know.

Mr. Nickerson: And a change in county attorney. Mr. Douglas Null of the county attorney's office will represent me. I would like to make an opening statement if you will allow it.

Judge Waterman: Well, we always like to hear from you.

Westchester County?

Mr. Libenson: My name is Irving Libenson, assistant [fol. 336] county attorney. The present county attorney is Francis J. Morgan. There has been a change in the Board of Supervisors. When this action originally started, it was started in the name of Owen M. Quinn, who was then chairman of the Board of Supervisors, and the present chairman is Leonard Berman.

Judge Waterman: And you are moving that the names of the defendants be so changed?

Mr. Libenson: Yes, your Honor.

Judge Waterman: So ordered.

Are there any other names?

Mr. Libenson: That is all.

Judge Waterman: That is it.

Will you, sir, be requesting time also?

Mr. Libenson: I cannot say at this time.

Judge Waterman: All right.

Suffolk County?

Mr. Corwin: No change. Stanley S. Corwin. We also have the same situation that took place in Westchester. Arthur N. Carmody is now chairman of the Board of Supervisors and should be substituted for William J. Leonard.

We are going to associate ourselves with the position of the State of New York and will not be asking for any [fol. 337] time.

Judge Waterman: Judge Levet has asked me, Mr. Nickerson, to ask you if you have changed any of your pleadings. As I recall, they were submitted last December—

Mr. Nickerson: Yes, they have; they were changed. Previously the County Supervisors supported the position of the State of New York, and after I took office we reversed, and now we support the position of the plaintiffs.

Judge Waterman: That I knew, and the pleadings indicate that. That was the situation at the time of the hearing, yes.

All right. Now, we are assuming that no one is going to put in any sworn testimony, or rather evidence; is that correct?

Mr. Galt: No, if your Honor please. I think it might be—

Judge Waterman: Well, these assumptions are rebuttable.

Mr. Galt: Of course, there was no preliminary conference, and we could only guide ourselves by the letter which stated a hearing would be held. We have all assumed—Mr. Sand and I certainly have assumed—that this [fol. 338] meant the calling and presentation of witnesses, and we have assumed that is what the procedure would be.

I would think that because of some preliminary matters that required discussion, with the permission of the Court I would like to be able to approach the bench with counsel. There are some things which I think should be gone over first, if I may respectfully suggest it.

Judge Waterman: If we do move into chambers, it should be on the record anyway, and we might as well have it right here out in the open.

Mr. Sand: Your Honor—

Judge Waterman: What do you wish to put in in addition to your voluminous affidavits?

[fol. 339] Mr. Sand: In essence, what the plaintiff wants to put in—

Judge Waterman: Do you think judges do not know much about political processes? We live in this world, you know.

Mr. Sand: I am perfectly prepared to assume that, and indeed it is the ardent wish of the plaintiffs. In essence, what we want to present by way of factual evidence is the material contained in the affidavits, and we are perfectly willing to stipulate, if your Honors please, that with respect to the affidavit of Professor Silva that if she were called she would testify that the facts with respect to the apportionment of the State of New York are as set forth in the affidavit, and that she is a qualified expert, and that she would testify that her opinions are as set forth in the affidavit. We offered that and make that as a proposed stipulation and offer of proof.

Judge Ryan: Whether or not this is a legal matter is for the courts to determine.

Mr. Sand: The question of whether or not an apportionment is fair and equitable is a matter which has been given considerable study by political scientists and other [fol. 340] persons who have devoted their life to it.

Judge Ryan: The determination of whether or not it is legal is a matter for the courts to determine. Why should the court surrender its judicial prerogative of adjudication?

STATEMENT BY MR. SAND ON POSITION OF THE PLAINTIFFS

Mr. Sand: Let me state the position of the plaintiffs as follows, your Honors. We have experts who are present in the courtroom. We have noted that in other cases throughout the country on occasion the courts have requested that experts appear. We tender them to the court.

We offer to prove that if they were called they would testify that the consensus of opinion among political scientists is that the only fair and equitable basis for apportionment is on population.

Judge Levet: Are you proposing expert testimony on the question of what is a fair plan or are you proposing expert testimony as to whether or not this present situation is or is not constitutional? Isn't that the question which this Court has to decide first before any other question comes into the picture?

Mr. Sand: Yes, your Honor.

[fol. 341] Judge Levet: Are you proposing then that this expert or these experts should come to testify as to what a proposed satisfactory plan is?

Mr. Sand: No, your Honor.

If I may, let me state the position of the plaintiffs.

Judge Waterman: Just a minute. You mentioned Mrs. Silva and then you mentioned experts in the plural. How many people do you have here and who are they and what are they going to testify to? We know pretty much well where the county lines are. Go ahead.

Mr. Sand: Let me repeat, if I may, that the plaintiffs are perfectly prepared to submit their case on the affidavits of Professor Silva and Peter Straus. Preliminary conferences were held between the attorney for the plaintiffs and the attorneys for the State of New York.

We were advised by the State of New York that they would object to such a stipulation and that they would reserve for themselves the right to cross-examine Professor Silva, and they also advised the attorneys for the plaintiffs that it was their intent to call experts. The plain-
[fol. 342] tiffs regard it to be in their best interest to have this case submitted to this Court as expeditiously and as briefly as possible, and we are entirely willing to submit the case insofar as the facts are concerned on those stipulations and present oral argument and the conclusions to be drawn from them, and the only thing which I understand prevents that is the objection of the State of New York.

Judge Waterman: Let me ask the State, do you desire to cross-examine Mr. Straus?

Statement by Mr. Galt on the Position of the Defendants

Mr. Galt: As far as Mr. Straus is concerned, the situation has an additional aura. Perhaps it would expedite it, your Honor, if I were to say, if I might have your permission to proceed that way without directly answering the question, it would expedite it if I were to say this: first, I want it made perfectly clear that the State wants to do what it can to expedite this case. However, we feel that the matter is of such substantial importance that a proper development of the facts and a proper exposure of the facts insofar as the State's side of the case is concerned, and insofar as the entire case is concerned, is in

the public interest and in the interest of the administration of justice.

[fol. 343] Our position is this: we have already prepared a stipulation as to many statistical and other facts of which in any event this Court could take judicial notice. We are prepared to suggest additional facts that might be incorporated in such a stipulation. However, as to the up-dated affidavits taken from the files when we moved to dismiss the complaint originally, we take it they are not a part of the record. They are attached as exhibits to the plaintiff's brief in which case they are invulnerable to any attack by us in the sense they are part of the record, but they are not before the Court as part of the record. However, we would want—I don't know what latitude the Court will give insofar as expert testimony by the plaintiffs is concerned—I will say to the Court that our experts will be prepared, I am sure, to testify either to opinion testimony on facts or to facts alone. We have facts to develop which we think are relevant for the consideration of this Court.

As to the affidavits, as to Dr. Silva, if anything of the nature of the matter included in the affidavits other than the purely statistical is to be made part of the record of [fol. 344] this Court, then we think that in all justice we are entitled to cross-examine Dr. Silva. Her testimony should be given orally.

As to Mr. Straus, it is our position, first, that the matters incorporated in his affidavit are in no sense whatever relevant or germane to this case. If, however, they are, we press the further objection that Mr. Straus is not an expert witness qualified to testify in that regard. So we have an additional objection.

This is the scope of the situation insofar as your Honors have been discussing it at the moment.

There are other matters which we believe have to be adjusted before the matter can proceed, but primarily this is the way we view the case.

Mr. Offner: This is in connection with the thing Mr. Galt last mentioned. The City intends to call Comptroller Beame as a witness to testify as to the systematic pattern of legislation enacted by legislatures elected under this

challenged system of apportionment and reapportionment.

Judge Waterman: It cuts both ways.

[fol. 345] Judge Ryan: You do not call that expert testimony. That is simply an argument. The legislative acts are matters of which we may take judicial notice. You may point out these matters that you say flow from these enactments in a memorandum or brief. That is an argument. It is not expert testimony whatsoever.

Judge Waterman: I am sure you are better acquainted in this field of law than we are, but there is a very definite legal position which goes back about 150 years that judges have no business inquiring "into the motives of legislators". I would assume we would exclude anything you have now offered on your own motion.

Mr. Offner: May I make an offer of proof?

Judge Waterman: If we listen to any proof at all, we will certainly listen to offers.

Offer of Proof by Mr. Offner on Behalf of The City of New York

Mr. Offner: I would like to make the offer in support of the allegations of paragraph 18 of the complaint. I intend to call Comptroller Beame of the City of New York to testify to legislation that has been enacted detrimental to the City of New York and discriminatory against the [fol. 346] City of New York, and to the effects as shown by what is known as state aid to local government where the city is discriminated against with respect to other areas of the city which receive the same aid.

Judge Waterman: That concludes your offer re testimony?

Mr. Offner: That's right.

Judge Waterman: Do any of the counties have any testimony?

You want to make an opening statement, Mr. Nickerson, I know. Do you want to offer any testimony?

Mr. Nickerson: No. We think that the facts brought forth in Mr. Straus's affidavits of the effects of the discrimination is certainly subject to proof. Of course, the legislative enactments you take judicial notice of, but I would think you would want to know the facts as to how

much state aid and what flows from it, it seems to me, is relevant to you.

Judge Levet: That is a broad field. There is proof that one flows from the other.

Mr. Nickerson: In the Tennessee case this kind of proof was offered and was thought to be relevant, and we think it relevant here.

[fol. 347] Judge Waterman: Suffolk County?

Mr. Gorwin: We will not be participating.

Statement by Mr. Libenson on the Position of Westchester County

Mr. Libenson: The only position Westchester County takes, it seems to me it is the plaintiffs' burden to prove to this Court that the present legislature in its present apportionment violates the constitutional provision, and it seems to me it has to be done by proper proof and not by just pure argument.

So far as the City of New York and this question of state aid, there are many factors that go into that question. The legislature alone—

Judge Waterman: In other words, you have no desire to put in any evidence of your own, but you possibly may wish to cross-examine the plaintiffs' witnesses if we have any, is that right?

Mr. Libenson: That's right.

Judge Waterman: Mr. Sand, the State says whatever evidence you have in the nature of exhibits is in a different position. You have no objection to moving those over and making them part of the complaint?

Mr. Sand: We have in fact, your Honor, agreed upon a stipulation which contains the census figures and the [fol. 348] sum of the charts and statistics contained in Professor Silva's affidavit. So the record may be clear and so the plaintiffs may preserve the record, may we make a formal offer of proof?

Judge Waterman: All right.

Offer of Proof by Mr. Sand on Behalf of Plaintiffs

Mr. Sand: The plaintiffs offer to prove by competent testimony of witnesses in this courtroom the material set

forth in the affidavits of Professor Ruth C. Silva and in the affidavit of R. Peter Straus, and may I ask that those affidavits be marked for identification and made a part of the record in this case.

Judge Levet: Does that go to proposed reapportionment?

Mr. Sand: No, your Honor. Those affidavits deal with two matters.

Judge Levet: Are they factual or opinions or both? Counsel for the State objected particularly to the opinions.

Mr. Sand: The affidavit of Professor Silva is, we submit, factual. The affidavit of R. Peter Straus is both factual and opinion.

We offer to stipulate that insofar as the affidavits contain matters of opinion that if oral testimony were taken [fol. 349] the witnesses would testify that their opinion is as set forth in those affidavits.

Judge Levet: Mr. Galt asked to cross-examine these individuals.

Mr. Sand: That is the position of the State of New York. Your Honor, we have been examining the various opinions of the other courts and there are now more than a dozen which have been dealing with the identical, almost identical issue.

Judge Waterman: You promised us copies.

Mr. Sand: And we have lodged with the clerk, if your Honor pleases, copies of all the opinions available in New York which have been compiled by the National Municipal League, and they repose on the clerk's desk.

In some of these cases, for example in the Michigan case, the dissenting judges have said that there was not even proffered to the Court a showing that the plaintiffs suffered actual injury as a result of mal-apportionment. When we get to a discussion of the merits, the defendants have indicated in their brief that they will take the position that plaintiffs have the burden of showing invidious dis- [fol. 350] crimination. At the same time they object to efforts made by the plaintiffs to show such discrimination by the only means by which it is possible to show it, by the disparity in numbers, by the intent of the legislature and by the consequences.

We make available to the Court whatever information we think might be relevant, whatever information the other courts have thought might be relevant to this issue.

As I say, we are prepared to submit the case as far as factual presentation is concerned upon the offer of proof which I have just made.

The Court: Thank you, Mr. Sand.

And you object to the offer of proof, Mr. Galt?

OBJECTION TO OFFER OF PROOF BY MR. GALT ON BEHALF OF DEFENDANTS

Mr. Galt: Yes. There have been several suggestions made starting with counsel for the City. If I can treat these matters seriatim as best I remember them, may I suggest first the City's offer of proof brings up a problem of order of proof which is most material.

We do not want to take a technical position. The City wants to file a brief and if the Court wants to take it as an amicus brief, we have no objection whatever. That is [fol. 351] one thing. However, a party which has exhausted its standing before the Court by admitting entirely all the allegations of the complaint hardly seems in a position to skip the fence to the plaintiffs' side and then come into the middle of our case, put a rebuttal in the middle of our case, and have us go through a revolving door meeting issues on every side of the case with plaintiffs firing broadside and defendants cross-firing. This I think is not in the interest of proper procedure here.

However, we wish to make it clear that we do not press this point, because we think that the City is not entitled, if it wishes to take any particular point of view it pleases to do so, but because of these practical considerations.

As to the plaintiffs' offer, first I wish to say this: a very peculiar result would follow from adopting the procedure suggested by the plaintiffs, mainly their prima facie case, if it could stand up on that basis, without a witness being called, without any cross-examination on our part, would have us proceeding with a case develop[fol. 352] ing facts as to which they would cross-examine. I don't want to talk about the burden of proof, but may

I just say this, that if the plaintiffs' theory of immediately shifting the burden of proof on a merely statistical showing is correct, then I venture to say that a prima facie case can be made out against virtually every state legislature in the nation simply on a statistical showing. But the states will be few, if any, which adhere strictly and exclusively to population basis.

Further, I want to say this, as far as their suggestions are concerned, we are prepared to meet, if need be, all of this extraneous evidence about legislation presumably unfair to the City. If this courtroom is sought to be the proper place to parade an exhibition of that sort, then we will go along with that.

We do, however, want to note, and at the appropriate time of these proceedings we will note, our objection to the entire irrelevancy, immateriality and incompetency of such testimony. I can only suggest to the Court that we will of course be amenable to whatever can be done to expedite this without, however, in any sense prejudicing our case.

[fol. 353] We feel if need be that if the plaintiffs can get past the prima facie case in the dilemma they are now in, which exposes the weakness of their case, then we will be prepared, if your Honors please, to proceed with witnesses and in any proper form which is appropriate to this forum.

[fol. 354] COLLOQUY BETWEEN COURT AND COUNSEL

Judge Waterman: All right.

Now we will of course retire into chambers and consider what the gentleman said about taking oral testimony and the introduction of evidence at this time.

Assuming—as I think it is germane to our discussion—assuming we do nothing about the taking of testimony and proceed directly with argument on the sworn affidavits and exhibits, how much time is the plaintiff going to want?

Mr. Sand: An hour, your Honor.

Judge Levet: One hour?

Mr. Sand: An hour.

Judge Waterman: How much time do you want?

Mr. Null: Five minutes.

Mr. Galt: If your Honor please, if they are going to proceed on affidavits and we are forced to proceed on affidavits, we are directing our energies in this compressed period of time on the assumption that a hearing means something in the nature of a trial, and we tried our best to find out what was the intention of the Court, and from all indications this is what we thought it was, and we so discussed it with the plaintiffs.

[fol. 355] We have no affidavits at this time. If we are forced to proceed on affidavits and if this is the only way in which we can proceed, then I will have to have time. I think in the interests of fairness and justice, I should have time to have affidavits presented on our behalf and submitted prior to the argument.

Plaintiffs have had these affidavits riding all the way through this case.

Judge Waterman: I know. You have been advised of what was in them for a year and a half.

Mr. Galt: Yes. We are prepared—well, if your Honor please, the posture of this case until only recently—the filing of the mandate—was an entirely different one. But as far as that is concerned, we haven't asked for time to prepare our case, but we do think that if, contrary to our expectations and all the indications in this case, this is going to be a matter of submission of affidavits, we are greatly disadvantaged by having to argue without the affidavits before the Court.

This is too vital and important an issue, I respectfully submit, to be disposed of so cavalierly as plaintiff would have it done.

We are prepared to cooperate in every way with the [fol. 356] Court, but if it is to be affidavits, then we submit that we should have that opportunity. Some of our people have not—

Judge Waterman: May I ask you a further question: What in the world can you put in an affidavit that is not in this little book—referring to the Legislative Manual—or isn't in their affidavits, or isn't something that a court is bound by Wigmore to take judicial notice of?

Mr. Galt: If it were as lean as that, and plaintiffs withdrew the affidavits which are already so familiar a part of the parade in this case, we possibly could argue it that way. But if the Court wants a more refined development of those facts—and there are certain things which can be shown—we are going to be dealing with questions of reasonableness, rationality, lack of invidious discrimination. There are certain pertinent things that can very well be brought to the attention of the Court. We feel this case justifies the development of a proper record. If the Court does not wish to hear testimony, contrary to what we had anticipated, then I respectfully submit that we certainly should be able, in affidavit and exhibit form, just as have the plaintiffs, to be permitted to present an appropriate [fol. 357] case for the state on that limited basis, and there are questions—

Judge Waterman: Assuming we overrule you and you take exceptions upstairs to Washington, how much time do you want to argue?

Mr. Galt: May I confer a moment, your Honor?

Judge Waterman: All right.

Mr. Sand: Then may I be heard, your Honor?

Judge Waterman: No. Not now. I will fill in, though. Westchester, do you wish to argue?

Mr. Libenson: No, your Honor.

Judge Waterman: City?

Mr. Offner: I don't think I will take more than a quarter of an hour.

Judge Waterman: As I pointed out when you first stood up, you are in a very peculiar position. We probably would suggest you argue on plaintiffs' side, unless you slip over—

Mr. Offner: Of course—

Judge Waterman: I mean, in the process of proceeding, your argument will precede the argument of the other defendants.

Mr. Offner: Very well.

[fol. 358] Mr. Galt: If your Honor please, we would take, under those circumstances, about an hour and a half.

May I add one thing: that is to say, would the stipulation we have, which culls out any facts that are facts and statis-

tics from the Silva affidavit, there is no need whatever for affidavits from Dr. Silva.

Judge Waterman: You may have been reading the judicial mind. I don't know.

Westchester, what do you say?

Mr. Libenson: It would seem to me that what the plaintiff is doing at the present time is making an offer of summary judgment here by submitting these affidavits, and particularly Mr. Straus' affidavit it seems to me is nothing but pure argument and opinion. Certainly, if we are going to proceed that way, the defendants ought to have an opportunity to submit affidavits in opposition.

Judge Waterman: And you are charging us with your not having had that opportunity?

Mr. Libenson: I don't think any of the defendants have been given notice that an application for summary judgment was going to be made. I don't charge the Court with [fol. 359] that. I say if the plaintiff is making an offer of summary judgment, certainly we should have had notice of that.

Judge Levet: Mr. Sand, may I ask you a question: In connection with this renewed proceeding here now, have you served any notice that you are moving for judgment?

Mr. Sand: I have not moved for summary judgment, your Honor, although I think on the answer of the defendants I could so move.

Judge Levet: You did not move. That is my question. That is all I asked you.

Now, Mr. Galt, does the state move for summary judgment at this proceeding?

Judge Waterman: Do you move to dismiss?

Judge Levet: Or move to dismiss, I mean. Either one.

Mr. Galt: No. We have made no motion, your Honor. We want to see--

Judge Levet: Technically there is no motion here at all; is that so?

Mr. Galt: That is correct, your Honor.

Judge Ryan: What factual issues have been raised by the pleadings which have not been resolved by the stipulation that you have made amongst yourselves?

[fol. 360] Mr. Sand: Your Honor, the plaintiffs have the burden of showing—

Judge Ryan: I didn't ask you that. I said, what factual issues remain now on which the Court is required to take testimony?

Mr. Sand: Whether the apportionment of the State of New York is arbitrary and capricious, whether the apportionment of the State of New York was intentionally designed to discriminate against persons in the class of the plaintiffs, whether or not as a result of the apportionment of the State of New York plaintiffs suffer actual injury.

Judge Ryan: Those facts—are they all resolved either by your pleadings or by the stipulation that you have made?

Mr. Sand: If, your Honor, this Court accepts the position of the plaintiffs, the primary position of the plaintiffs, which is that if there is shown to be a gross disparity between the actual apportionment of the State and the incidence of the population of the State, a prima facie case is made, the answer is yes.

Judge Leyet: Have you made any stipulation or have you merely offered to make a stipulation?

[fol. 361] Mr. Sand: We have not yet physically signed but have agreed upon the contents of a stipulation, which is present in court and—

Judge Ryan: It would be wonderful if you signed it right now and filed it with the Court.

Mr. Sand: Yes.

Judge Ryan: Then we would be in a position to make an intelligent decision as to whether or not testimony should be taken.

Mr. Sand: I believe we are prepared to sign the stipulation, which was only made physically available to me very late yesterday.

Judge Ryan: You told me you are prepared to sign it. Suppose you put your names on it and hand it in to the Court.

Mr. Sand: I am certainly prepared to do that, your Honor.

Judge Ryan: Fine.

Mr. Galt: While the stipulation is being signed, may I say—

Judge Ryan: Let us not interrupt it.

Mr. Galt: In connection with it, if there are any errors, we are prepared to resolve them.

Mr. Sand: Only errors of transposition. Other than that, [fol. 362] there has not been a clerical checking of some of the census figures.

Judge Levet: If you are going to make any changes, you ought to make them promptly.

Judge Ryan: You refer only to changes due to inadvertence, typographical errors—

Mr. Sand: Your Honor, I hope I have answered your question as to whether or not there is anything in the way of factual presentation required that is not covered by the pleadings, and if I may state it again, it is, if the Court please, the plaintiffs' view that a prima facie is made when mal-apportionment is shown to exist. Plaintiffs believe they have made a prima facie case on the complaint and the answer.

Judge Ryan: Suppose the Court does not accept that view?

Mr. Sand: If the Court does not accept that view—

Judge Ryan: Please sign the stipulation first and we will discuss that.

Mr. Sand: If the Court does not accept that view, then obviously there is imposed upon the plaintiffs the burden of showing something more, and so the problem is what [fol. 363] more is there that plaintiffs can possibly show to meet the standard of invidious discrimination, which the Supreme Court invoked when it remanded the case to this Court.

Judge Levet: Doesn't your position in effect require a preliminary decision by this Court? I see no reason why we should make such a preliminary decision.

Judge Ryan: Assuming that the Court will not make this preliminary decision but will resolve the whole matter at one time, how do you hope to pursue this problem that you say exists?

Mr. Sand: Well—

Judge Ryan: What testimony—

Mr. Sand: I assume, if your Honor please, that when the Supreme Court—

Judge Ryan: No, no. Just keep yourself down to this point.

You say if we do not accept the plaintiffs' position that mere geographical discrimination is enough, is invidious, then you have a further burden.

Mr. Sand: Then—

Judge Ryan: I understand that you do not allege purposeful discrimination against any race, religion, creed, sex or national origin?

[fol. 364] Mr. Sand: That is correct, your Honor.

Judge Ryan: That your whole objection is predicated upon the claim that there is not fair representation of urban areas.

Mr. Sand: And that this absence—

Judge Ryan: No. Wait. Will you answer that? Is that your one claim?

Mr. Sand: That is our one claim.

Judge Ryan: What other claim do you have besides that?

Mr. Sand: That the absence of fair representation is the result of a deliberate intent to discriminate against persons in the class of the plaintiffs and that as a result of such discrimination plaintiffs suffer actual injury in violation of the due-process clause as well as the equal-protection clause.

The Court: Now, what testimony would you hope to offer on this?

Mr. Sand: I have offered, your Honor, to rest the case on the matters contained in the affidavits of Dr. Silva and Peter Straus, and it is the objection of the State which precludes that.

Judge Ryan: No. What testimony specifically? Testimony on what subjects?

[fol. 365] Mr. Sand: With respect to the apportionment of the State of New York.

Judge Ryan: Isn't that a matter of record that the Court can take judicial notice of?

Mr. Sand: Yes; it is.

Judge Ryan: So that you will not need testimony on that. It will not be necessary.

Mr. Sand: If I may just pursue that, with your Honor's indulgence—

Judge Ryan: I thought we eliminated that.
Now, what else would you offer?

THREE OFFERS OF PROOF BY MR. SAND ETC.

Mr. Sand: I would offer to show that each rule which specifically operates to restrict and limit the representation of the residents of the City of New York was intentionally devised for the very purpose of creating a class of citizens within the state whose vote was not equal to that of another preferred class of citizens in the state.

Judge Levet: How would you show that?

Judge Waterman: He has quoted from the Legislative Record of 1894, or something like that, about some remarks that were made—

Judge Levet: At the convention?

Mr. Sand: I would offer to show that each of the major [fol. 366] rules that govern the apportionment—I would offer to show the effect on the representation of the citizens residing in the City of New York. I would show the origin of that rule—

Judge Levet: Are you offering to show us what was in the minds of the makers of the 1894 convention? Is that what you are after?

Mr. Sand: I want to show, by the only means by which it is possible to show, that there is intentional discrimination against the citizens of New York.

Judge Ryan: That there was an intention to discriminate?

Mr. Sand: An intention to discriminate against the citizens of the City of New York.

Judge Ryan: Isn't that immaterial, what their intention might have been? It is a question of whether or not the legislation in fact discriminated.

Mr. Sand: Your Honor,—

Judge Ryan: Wouldn't you have to have testimony on that?

Mr. Sand: Your Honor, if I may make an analogy to a similar situation, and that is the jury-exclusion cases, and that is if you show that within a given community there is a certain class that is eligible to serve on the jury and

[fol. 367] that over a period of years no persons in that class have been selected, that is one evidence that there is discrimination. If, on the other hand, you bring in the jury commissioners and they say, "Yes, the reason that there are no members of this class on the jury is because we don't like them," that is certainly relevant evidence to show that there is discrimination.

Judge Ryan: That shows that there was a purpose—

Judge Waterman: Now, listen: there is discrimination on everything, isn't there? I am sitting in the middle because I am a different kind of judge from these fellows. That is discrimination against them.

Mr. Sand: I suppose that is why the Supreme Court did not say "discrimination" but "invidious discrimination," which means harmful discrimination.

May I state it this way: We are jointly engaged in the problem of trying to define what the Supreme Court meant when it said "invidious discrimination."

Judge Ryan: We are not going to do that with testimony in this case.

Judge Waterman: Mr. Reporter, can you find the place [fol. 368] where Mr. Sand made his offers?

Mr Galt: There is a typographical error made on page 24 in our brief, where we spoke of Suffolk County's population from 1950 to 1960. Its population went up 141 per cent and not 14 per cent.

Judge Waterman: We will recess for a moment and discuss this question of your offers and the objections to them.

(Short recess.)

The Clerk: Court is now in session.

Judge Waterman: So that we may have a perfect record and so that all may understand exactly what the Court is doing when it rules, I have asked the reporter to find the plaintiffs' offers of proof, and if you will read them seriatim, we will rule on them one by one.

[fol. 369] (The reporter read the following:

"Mr. Sand: I would offer to show that each rule which specifically operates to restrict and limit the representa-

tion of the residents of the City of New York was intentionally devised for the very purpose of creating a class of citizens within the state whose vote was not equal to that of another preferred class of citizens in the state.")

Judge Waterman: As to that offer of proof, the Court unanimously excludes it on the ground that what caused the Legislature to act or what proof may be introduced at this stage as to the Constitutional Convention's thinking in 1894 would have to be of such a nature that it isn't of any interest to this Court. All we have before us is a question of law, and the question of law is not involved with the intent in the minds of whoever may have happened to be members of the Constitutional Convention of 1894.

You will except?

Mr. Sand: I except.

Judge Waterman: Will you read the next one, please?

(The following was read by the reporter:

"Mr. Sand: I would offer to show that each of the major [fol. 370] rules that govern the apportionment—I would offer to show the effects on the representation of the citizens residing in the City of New York. I would show the origin of that rule—")

Judge Waterman: We interpret that offer of proof to include the last phrase, the origin. That, of course, is a matter of public record. The origin is in the Constitution of the state. We exclude it as immaterial, incompetent and irrelevant.

Mr. Sand: I except.

Judge Waterman: Will you read the next.

(The following was read by the reporter:

"Mr. Sand: I want to show, by the only means by which it is possible to show, that there is intentional discrimination against the citizens of New York.")

Judge Waterman: We interpret that to mean, obviously, that the citizens of New York City, and we exclude that offer on the same grounds as we have excluded the other two.

Now, those are your three offers. We have ruled on all three of them.

Now, may the Court say something?

Mr. Offner: May I just say a word, your Honor?

[fol. 371] Judge Waterman: Well, after me.

Mr. Offner: I am sorry.

Judge Waterman: The gentleman will not yield yet.

We have not, by making these rulings, precluded the introduction of oral testimony. We believe that if you wish to put in oral testimony, if the state desires to cross-examine your witnesses, we have a duty to permit you to do so, but we warn you that evidence offered or testimony adduced of the type and kind of your present offers will probably be excluded because we can ascertain these facts from things we are supposed to take judicial notice of and from the pleadings themselves.

You fully appreciate the limits that I am indicating, correct?

Mr. Sand: I do, your Honor. May—

Judge Waterman: Now, just a minute. The City wants to say something.

Mr. Offner: I just want to have it noted on the record that the defendants represented by the Corporation Counsel take the same exception as is taken by counsel for the plaintiffs. I do not understand that your Honors have ruled on the City's offer of proof that I made with respect to the testimony of the Comptroller of the City of New

[fol. 372] York?

Judge Waterman: Well, we will be happy to rule on that. Are you now getting on to the plaintiffs' side? And you want a ruling now? Or do you want to wait until the defense comes in and wait for a ruling there?

Mr. Offner: Well, it is part of the plaintiffs' proof. At the time I made the offer I said that it is in support of the allegations in the complaint.

Judge Waterman: We will probably exclude it, but we will reserve decision on that point.

Mr. Offner: The reason for that is that the Comptroller is present in court and he is a very busy man, as your Honors may understand. I would like very much to know what your Honors' ruling on that offer is.

Judge Waterman: Restate your offer.

OFFER OF PROOF BY MR. OFFNER, ETC.

Mr. Offner: I offer to prove, through the testimony of the Comptroller, with respect to the allegations of a paragraph of the complaint—I believe it is paragraph 18—that the Legislatures which have been elected pursuant to this challenged malapportionment system have consistently enacted legislation the effect of which is to discriminate against the citizens and the taxpayers of the City of New York as against the citizens and taxpayers of what is known [fol. 373] generally as upstate.

COURT'S RULING

Judge Waterman: The offer is excluded.

Judge Ryan: May I interrupt?

Judge Waterman: Indeed you may.

Judge Ryan: Discriminate in what respect? In respect of the distribution of funds paid out of the State treasury?

Mr. Offner: That is correct.

Judge Ryan: Apportioned amongst the various communities?

Mr. Offner: That is correct.

Judge Ryan: And is that the only form of discrimination that you say has resulted from this legislation?

Mr. Offner: It is the principal form.

Judge Levet: What is it?

Mr. Offner: It is the principal form of discrimination.

Judge Ryan: What else do you allege? What other form of discrimination then do you allege that resulted from this legislation other than financial benefits resulting from distribution of funds collected by the State and distributed amongst the communities of the State and the cities of the State?

[fol. 374] Mr. Offner: It has enacted legislation dealing with the taxation powers of the City, which the City has not been able to use, which is impracticable and, therefore, meaningless.

Judge Ryan: I see. Entirely financial.

Mr. Offner: It is all financial. This aspect, this testimony—

Judge Ryan: You allege no discrimination other than a discrimination arising from financial matters, either in the collection of taxes or the distribution of taxes or funds collected by the State and distributed throughout the whole State to the various communities and cities?

Mr. Offner: That is correct.

Judge Waterman: This suit is brought under the Civil Rights Act, with diminution of rights involved, so Judge Ryan's comments are pretty germane. But the offer is excluded, however, because it is based (a) upon legislation and, (b) the effect of legislation.

As to (a), if you wish us to take judicial notice as to the legislation of the State of New York, which we are required to take judicial notice of anyway, give us a list of the acts and tell us about it. If there has been some unfortunate effect that has been demonstrated in the City [fol. 375] government or in the State government, tell us about it. It is nothing that we are interested in having the Comptroller, able though he is, tell us about orally. We are supposed to know about those things.

If there is something you want us especially to know, point it out to us.

Mr. Offner: They would deal, of course, with a great deal of figures because the entire subject matter is fiscal.

Judge Waterman: That is exactly what I was afraid of. You want the Comptroller to come in and testify generally. We want specifics.

Mr. Offner: Well, we will have specifics, yes, but I can't inform your Honor of the specifics right now.

Judge Waterman: All right, excluded. Also, on the ground advanced by Judge Ryan, that this is not a matter involving finances. This is a matter involving the rights of citizens.

Mr. Null: Sir, one of the plaintiffs is a resident of Nassau County. In view of the position of Nassau County in this case, and in view of the fact that Mr. Sand's offer of proof was particularly directed towards New York City, [fol. 376] we would request your Honors to extend your ruling as concerns Nassau County on Mr. Sand's offer of proof.

Judge Waterman: So extended, and your rights are equally preserved with his.

Mr. Null: I might say, sir, in referring to Mr. Offner's offer of proof, the damage with respect to the lack of aid for Nassau County is something we would like to express, and we would ask your Honors' ruling on an offer of proof in that direction.

Judge Waterman: Your offer is noted, excluded, and your rights are protected, the same as his.

Mr. Sand: Your Honors, for the purpose of the record—

Judge Waterman: You have some other offer?

OFFER OF AFFIDAVITS OF RUTH C. SILVA (EXHIBIT 9) AND R. PETER STRAUS (EXHIBIT 8) FOR IDENTIFICATION

Mr. Sand: I have an offer of proof which the reporter has not read back, relating to the affidavit of Professor Ruth C. Silva, which was marked as Exhibit 9 for identification, and the affidavit of R. Peter Straus, which is Plaintiffs' Exhibit 8 for identification.

I offer to prove by competent testimony the matters set forth in those affidavits.

Judge Waterman: You may proceed with such proof as we consider germane in Dr. Silva's affidavit. We will [fol. 377] find a chair for her somewhere. We will consider the affidavit in so far as we will consider what is germane.

If you wish to have her as a living witness here and give testimony, we will hear her.

Mr. Sand: I believe that your Honors' specific ruling would exclude the matters set forth in both those affidavits, and it is merely for the purposes of the record that I wanted them identified as the matters set forth in Plaintiffs' Exhibits 8 and 9 for identification.

Your Honors have in effect ruled that none of the material set forth in those affidavits would be received by this Court.

Judge Waterman: None of the opinion evidence. None of Dr. Silva's ideas as to what has been the alleged result in her mind of these things. That we certainly consider excludable.

Mr. Sand: I understand your Honors' ruling, and we will call Dr. Silva.

Judge Ryan: He said he wants to have it marked in the record as having been offered.

Judge Levet: I assume that there is an objection to the affidavit.

Mr. Galt: Yes. We made our objection on the record [fol. 378] before, and for the purposes of clarity we reiterate our objection to the affidavits.

Judge Waterman: They have been attached to the pleadings.

Judge Levet: Are they, then, excluded at the present time?

Judge Ryan: They are excluded but marked for identification.

Judge Waterman: It is attached to the original complaint, isn't it?

Mr. Sand: I hand to the clerk the two affidavits.

Judge Waterman: I see. These were admitted before you, Judge Levet?

Judge Levet: They may have been submitted.

Judge Waterman: Have these ever been admitted either before the single judge or the prior three-judge court?

Mr. Sand: No, your Honor. These are in the first instance revised affidavits. They have been made current. They have not been admitted.

Judge Waterman: So the exhibit numbers on them, the identification numbers, have to be changed.

Judge Levet: That was on August 1, 1961, when the [fol. 379] matter, I believe, was somewhere else.

Mr. Sand: Your Honors wonder why they are marked 8 and 9—

Judge Waterman: That is exactly it.

Mr. Sand: To expedite the proceedings, the clerk has marked certain other exhibits so that the Court may not be detained while they are being marked.

Judge Levet: They are not tendered for anything else except for identification at the present time, in the view of the Court, I take it.

Judge Waterman: Will you mark them for identification.

Mr. Sand: They have been marked. They are Plaintiffs' Exhibits 8 and 9.

Judge Waterman: They are still 8 and 9 for identification. All right.

Mr. Galt: Your Honor, one thing should be clarified: to the very best of my recollection—and I think it is correct—these affidavits were not part of the complaint. When the motion was originally argued before Judge Levet, sitting alone, at the time we objected to the affidavits which were submitted, I think, in opposition to our motion and ultimately, when Judge Levet's opinion came down, I believe—and I think that this is correct, Judge Levet, that [fol. 380] you remarked in your opinion that you were making no disposition of our motion but that in arriving at your decision you had not at all referred to the affidavits, but these affidavits were not, as I recall it, and are not now part of the complaint.

Judge Levet: They are offered and they are marked here for identification only, as I understand it.

Judge Waterman: That is correct.

Judge Levet: They are not before us officially.

Judge Waterman: I was confused because of the numbering.

Mrs. Silva's affidavit is now marked Exhibit No. 9. Do you wish to call her?

Mr. Sand: Yes.

Did your Honors wish first to hear preliminary argument, or would your Honors rather proceed directly with the testimony?

Judge Ryan: I understood that you didn't want to call Mrs. Silva in view of the fact that her testimony would only be concerning matters as to which we said we would not receive testimony. You don't want to call her, do you?

[fol. 381] Mr. Sand: The reason I said that I would call

her is that I wished the record to be clear, and Judge Waterman indicated that there was material contained in the affidavit concerning the actual apportionment of the State, as to which the Court would hear oral testimony, and for that purpose I would call her.

[fol. 382] Judge Levet: Can't you submit in lieu of her testimony the factual material in these affidavits and eliminate the alleged expert?

Mr. Sand: I offered to do that, I offered to stipulate that the facts—

Mr. Galt: I believe that the facts as referred to by Judge Levet would be embodied in the stipulation which we have submitted to the Court, and from the factual side I don't know what else could be submitted.

Mr. Sand: I offered to stipulate that if Professor Silva were called she would testify to the facts set forth in her affidavit.

Judge Levet: Can't you indicate on the offer the area which is fact and the area which is opinion, so we can know what the record is before this Court?

OFFERS IN EVIDENCE AND COLLOQUY THEREON

Mr. Sand: There has been marked for identification and the Court has those documents Plaintiffs' Exhibits 1 through 7, and they are various summaries and charts. Three copies have been lodged with the clerk and these are the materials which we would offer to stipulate are the facts to which [fol. 383] Professor Silva would testify.

Judge Levet: Why don't you offer those exhibits?

Mr. Sand: I offer those in evidence.

Judge Waterman: Documents marked for identification Plaintiffs' 1 through 7 are now offered.

Mr. Sand: These are all charts and diagrams contained in the affidavit of Professor Silva and are now contained in the stipulation of the parties.

Mr. Galt: They are offered for identification.

The Court: They are now offered in evidence. I want you to examine them.

Mr. Sand: They are all contained in the affidavit of Professor Silva which was furnished to the State some time ago.

Mr. Galt: May we have time to examine these?

Judge Waterman: Mr. Sand, were these prepared under the direction of Professor Silva?

Mr. Sand: These were personally prepared by Professor Silva as her affidavit indicates, and are based upon census figures and other Government practices.

Judge Waterman: Wouldn't it be desirable to have her sworn?

[fol. 384] Mr. Sand: If the clerk will call Professor Silva.

Mr. Galt: Although I haven't been able in this short period of time truly to analyze these tables which are offered, I object to them most strenuously as evidence for the reason that though they deal in statistics, implicit in the statistics are certain theories as to which we take exception, which we do not think are the applicable theories here. They differ from our own theory as to what apportionment lawfully is and possibly even as to mathematical interpretations.

Incidentally, we would be prepared, this type of evidence is offered, to develop oral evidence of our own.

Judge Waterman: I think Dr. Silva should be sworn and put on the stand. If you desire to interrogate about her theories before you ask us to rule on these papers, we certainly will reserve judgment on your present objection until after she has been sworn.

Mr. Galt: In other words, during the course of her testimony if these are offered it will be much easier to deal with them one by one.

[fol. 385] Judge Levet: Judge Waterman is suggesting you examine her on voir dire on these exhibits in order for us to pass on the objection.

Judge Waterman: It is fundamental in every case where statistics are introduced that they are introduced on the basis of some kind of a theory. So I think you are entitled to cross-examine the person who developed the statistics, and your adversary has told us he was so prepared to do.

Judge Ryan: I understand that these exhibits are not statistics which she has prepared but they are statistics which are available to anybody which she has collated and

set up in a table simply as an aid to the Court. She has taken available statistics and tabulated them.

Mr. Sand: This would be entirely analogous to testimony which is very common—

Judge Ryan: In an income tax case, where you have an accountant who has made a tabulation of your books and is on the stand. Don't take that personally.

Judge Waterman: Why don't you call her?

Mr. Galt: May I offer an objection to the exhibits? I offer the further objection that no proper foundation has [fol. 386] been laid for the admission of these exhibits.

Judge Levet: That is what we are trying to give someone a chance to do, Mr. Galt.

Mr. Sand: Professor Silva, please.

Ruth C. Silva, called as a witness on behalf of the plaintiffs, being first duly sworn, testified as follows:

Direct examination.

By Mr. Sand:

Q. Will you tell us, Professor Silva, where you are employed?

A. Pennsylvania State University.

Q. In what capacity?

A. Professor of Political Science.

Q. How long have you been so employed?

A. 14 years.

Q. Would you state generally and briefly your educational background and the prior positions you have held?

A. I hold three earned degrees in Political Science from the University of Michigan. Before going to Penn State, I was Instructor of Political Science for two years at Wheaton College in Norton, Massachusetts, and two years prior to that I was a teaching fellow at the University of [fol. 387] Michigan.

Q. Have you also served as a consultant for any governmental bodies?

A. Yes, sir. I worked as research consultant for the Honorable Paul Douglas, United States Senator from Illi-

nois. I worked in the United States Department of Justice when Mr. Brownell was Attorney General. I worked for the Peck Commission.

Q. Would you please state some of your writings in the field of legislative apportionment?

A. I have had an article in the American Political Science Review on apportionment of the New York State Legislature. I had a piece in the Fordham Law Review on the case of Baker v. Carr. I had a piece in the Fordham Law Review on the apportionment of the New York Senate. I have a piece in the current issue of the Duke Law Review on apportionment of the New York Legislature. I have an article coming in the fall issue of the Fordham Law Review. I have a piece coming on apportionment in the new edition of the Encyclopedia of Social Sciences.

Q. Were these articles written on your own initiative?

[fol. 388] A. Let's see. The piece on Baker v. Carr and the piece that is coming in the Fordham Law Review were by invitation. I submitted one article to the Fordham Law Review and they wrote back and asked me to do two others. The Duke Law Review was by invitation. The Encyclopedia was by invitation.

Mr. Sand: I submit, if the Court please, that the witness is qualified to testify as an expert on questions relating to legislative apportionment in general and the New York apportionment in particular.

The Court: What you are about to say is that you are offering through this witness these exhibits?

Mr. Sand: I will proceed to do that.

Q. Professor Silva, have you made a study of the rules which govern the apportionment of the Senate of New York State?

A. Yes, I have.

Q. And in particular have you made a study of a rule which is known as the full ratio rule?

A. Yes, sir, I have.

Q. Can you please tell us what that rule is?

A. The full ratio rule does in fact divide the counties in the State of New York into two groups.

[fol. 389] Mr. Galt: I move that answer be stricken as not responsive.

Judge Ryan: Objection sustained.

Judge Levet: Yes.

Judge Waterman: Yes. It is all in.

Q. Have you made a study of the precise effects of the full ratio rule on the six most populous counties of New York State?

A. Yes, sir.

Q. Would you state why for the purposes of that study the comparison was based on the six most populous counties?

A. Because the Constitution makes that division.

Mr. Galt: I object.

Judge Waterman: I will overrule that objection.

A. The Constitution makes that division. The Constitution provides that apportionment counties having more than three ratio should be made in one way and apportionment counties having less than three ratio should be made in another way. It so happens that there are now six counties having three ratios under the 1960 Census.

Q. So for the purposes of the exhibit which I am about to show you and the others relating to the Senate, you have [fol. 390] used the six-county comparison?

A. Yes, the one that the Constitution does in fact provide.

Q. I show you what has been marked as Plaintiffs' Exhibit No. 1 and I ask you if you recognize that document?

A. Yes, sir, I prepared it.

Q. May I ask on what basis you have prepared this?

A. I am sorry?

Q. What raw material did you utilize in preparing Plaintiffs' Exhibit 1?

A. It is a matter of taking the citizen census figures from legislative documents, and the 1960 citizen census figures are from the United States Department of Justice, and the apportionment laws are in the public laws of the State of New York.

Mr. Sand: I offer Plaintiffs' Exhibit 1 for identification in evidence.

Judge Waterman: I assume you are objecting?

Mr. Galt: I object, your Honor, on the grounds previously mentioned.

Judge Waterman: Do you wish to interrogate Professor Silva?

Mr. Galt: At this point?

[fol. 391] Judge Levet: On Exhibit 1.

Judge Waterman: I don't care, do it your own way. Interrogate her after she has covered all seven and we will reserve our ruling on it.

Judge Ryan: Did you, Professor Silva, prepare each one of these exhibits?

The Witness: If they are from the affidavit, I did.

Judge Ryan: Show them to the witness.

Judge Waterman: May I interject at this point? You say on table 1, the citizen census population of New York, you obtained from the Department of Justice?

The Witness: The Bureau of Census in the Department of Commerce, yes.

Judge Waterman: I believe he said the Department of Justice.

The Witness: I am sorry.

Q. With respect to Plaintiffs' Exhibit 2—

Judge Ryan: I thought I had asked the witness a question.

Q. There is a pending question from Judge Ryan, and that is with respect to all of these exhibits, did you personally prepare them and did you personally prepare them on the basis of census figures and other official Government [fol. 392] publications?

A. I did not look at them now. If they were from my affidavit, yes.

Judge Ryan: You put the next question, and not in the way I would have posed it.

Mr. Sand: Then it was inadvertent, your Honor.

A. Yes, sir, I prepared them all.

Judge Ryan: Did you gather the information and figures set forth on these charts from the sources which you have indicated on each chart?

The Witness: Yes, sir.

Judge Ryan: And are these figures true and accurately reported as being the figures that you obtained from these sources?

The Witness: Yes, sir.

Judge Ryan: You say then that these are true, fair and accurate—

The Witness: Yes, sir.

Judge Ryan: —representations and collations of information you have obtained from the sources indicated on each particular exhibit?

The Witness: Yes, sir.

[fol. 393] Mr. Sand: I offer Plaintiffs' Exhibits 1 through 7 for identification in evidence.

Mr. Galt: I object to their admission in evidence as containing among other things theories of apportionment, the witness's theories of apportionment as well as a recital of accurate statistics.

Judge Waterman: She has not testified to any theories of apportionment.

Mr. Galt: But implicit in these tables are theories of mathematical analysis.

Judge Levet: Where is that? Perhaps you can elicit that.

Judge Ryan: I move to overrule the objection and receive the exhibit as a mathematical aid to the Court and for that purpose only.

Judge Waterman: Did you wish to interrogate her at all?

Mr. Galt: If I can understand what the form of procedure will be, perhaps I could go ahead.

Judge Waterman: This is the simplest of all forms of procedure. You have a witness on the stand. The counsel who put the witness on has offered the exhibits. You have a right to question the witness on the capacity and validity [fol. 394] of this material and all that sort of thing, if you wish. If you don't wish, we will rule. It could not be a simpler trial situation, although this is not in a trial court.

Mr. Galt: I appreciate that. The only thing I had in mind is whether there would be further oral testimony on these, and then all the cross-examination could be done at one time instead of piecemeal.

Judge Waterman: All right. We will admit the documents marked for identification 1 through 7 subject to a later cross-examination, if you wish to do so.

Judge Ryan: May it be understood that we have received them in evidence solely as a guide to the Court.

(Plaintiffs' Exhibits 1 through 7 for identification received in evidence.)

Mr. Sand: With a view that they might be of maximum aid to the Court, I will proceed with the examination of Professor Silva.

Judge Ryan: I don't think we need that.

Mr. Sand: I ask for a clarifying ruling from the Court. My learned brother has indicated—

[fol. 395] Judge Waterman: You are both trying to look into each other's mind and into the mind of the witness. Why don't you go ahead with what you think you want to do. I may stop you, Judge Ryan may stop you, Judge Levet may stop you, Mr. Galt may stop you, even the City of New York may stop you.

By Mr. Sand:

Q. Professor Silva, with respect to Exhibit 1, will you tell us—

Mr. Libenson: May I have a copy of the exhibit?

Judge Waterman: I am sorry, Westchester County may even stop you.

Mr. Sand: For the convenience of all counsel, may I state that Plaintiffs' Exhibit 1 is table 1 of the affidavit of Professor Silva.

Judge Levet: We are not concerned with the affidavit. It is in evidence now. Get on with your examination.

Q. Table 1 is headed "Senate Seat Remainders In All Counties Having Three Or More Ratio." What is a Senate seat remainder?

A. That is the number of inhabitants for which a Senate seat was not apportioned in the county. For example, if [fol. 396] 324,000 is the ratio, it means that 707,547 is the number of inhabitants over and above the ratio used for the apportionment of Senators. These are persons for whom Senate seats were not apportioned.

Q. Does Table 1 indicate the extent to which there were remainders for Senators which were not apportioned for all of the apportionments from 1892 to date?

Mr. Galt: I object to that.

Judge Waterman: Sustained. It is all in the statute.

Judge Ryan: And the exhibit speaks for itself.

Q. I show you what has been marked Plaintiffs' Exhibit 2 in evidence and I ask you what the significance of that table is?

A. This simply indicates the number of persons required for a Senate seat in the three or more ratio counties, and the number of persons required for a Senate seat in all the other counties. It indicates the average for the State and the ratio. The differentials between these numbers has been growing.

Mr. Galt. I ask that the last sentence of the answer be [fol. 397] stricken. The exhibit will speak for itself. I ask that the witness be restrained from making that kind of comment.

Judge Waterman: The last statement will be stricken. The exhibit speaks for itself.

Mr. Sand: Plaintiffs' Exhibit 3 in evidence, I believe counsel has that.

Q. Professor Silva, with respect to Plaintiffs' Exhibits 1 through 7 in evidence, were these charts and tables prepared by you in accordance with the accepted standards of your profession and do they fairly and accurately represent a statistical analysis of the apportionment of New York State?

Mr. Galt: I object to that. There has been no testimony here as to any standards used by the profession, or otherwise.

Judge Waterman: Rephrase your question by saying standards in your profession as you understand them to be.

Q. As so rephrased, I repeat the question to you.
A. Yes.

Mr. Sand: I have no further questions of this witness.
[fol. 398] Judge Waterman: Now, Mr. Galt, do you wish to cross-examine the witness?
Mr. Galt: Yes.
Judge Waterman: We understand there is an underlying objection to the introduction of these documents.

Cross examination.

By Mr. Galt:

Q. Professor Silva, I would like to refer first to Exhibit 1, Table 1, a copy of which you have before you. As I recall your testimony a moment ago, you stated, did you not, or let me put it this way, when you say that Table 1 shows that there are people for whom Senate seats have not been apportioned, what do you mean by that?
A. I mean, sir, take the present apportionment, for example, 285,609, that was the constitutional ratio for apportioning Senators. So that you give one Senator to each county, to each of the three ratio counties for every 284,069 inhabitants, but they cannot receive Senators after three, they could receive a fourth or fifth Senator without having a full ratio.
Q. I asked you what you meant by people who are not represented, for whom there is no apportionment.
A. I am trying to answer the question, sir. This means [fol. 399] that these are the people over and above full ratios in the counties.
Q. You understand that everyone in the county is represented by a Senator regardless of the ratio figures, that Senator X representing District X is the Senator for all the people in that county.

Mr. Sand: This is exactly the type of testimony the Court has excluded.

Judge Waterman: The Court is fully conscious of the differences of position. If the cross-examiner wants to bring out something which is part of the plaintiffs' case, he is stuck with it.

A. 435,000 people in the City of New York who live outside any Senate district are not entitled to vote in any Senate district. The point is these were people who were not counted in the actual apportioning of Senators because they constituted a fraction of a ratio. When you get into three or more ratio counties, fractional ratios do not count.

Q. With regard to Table 1 again, and this may apply to some of the others, but at the moment let us stick to Table 1, the six counties you have there are not inclusive of Suffolk County, right?

A. Because Suffolk is not a three-ratio county.

[fol. 400] Q. Please answer the question.

A. That's correct, it does not include Suffolk.

Q. You have a county here, Erie County, which is not represented directly by one of the plaintiffs in this case, is that correct?

A. All three-ratio counties.

Q. Suffolk will get three Senators, will it not, under the 1960 apportionment without being a full-ratio county?

A. It gets it on the basis of the second ratio.

Q. I am asking you if they will get it.

A. I believe so. I will have to look at the tables. I believe they will.

Q. You don't know whether Suffolk will get one?

A. I don't carry numbers in my mind. I am sure it is on the table, I believe Suffolk will. There are a lot of numbers to remember.

Q. That is quite true.

Judge Levet: We will take judicial notice of that.

Judge Waterman: The Court is perfectly willing to let the witness have copies of the seven tables.

Q. Have you got copies of the tables?

[fol. 401] A. I have one and two, but they do not show Suffolk.

Mr. Sand: To facilitate matters, and to refresh the witness's recollection, may I ask that she be permitted to have before her copies of the different exhibits.

Judge Waterman: We are willing that she should.

Mr. Galt: I apologize for the confusion and delay, it is a little difficult to single out these exhibits.

Judge Waterman: We are doing this at your request, Mr. Galt.

Mr. Galt: I appreciate that, your Honor.

A. I have Exhibits 1 and 2. You asked me about Suffolk, and Suffolk is not on 1 and 2.

Q. I suggest that you not volunteer any information. I did not ask that. I merely asked if Suffolk were excluded?

A. Yes, sir, it is.

Judge Waterman: I think you probably have been a witness before.

The Witness: No, sir.

[fol. 402] Judge Waterman: You are now being cross-examined. You are being asked leading questions. If they can be answered yes or no, it is your duty to answer them yes or no, and not to add comments of your own.

A. Suffolk is entitled to three Senators after the new apportionment.

Judge Levet: Now we have that settled.

Q. Take Table 7, Professor Silva, you have that before you. Anywhere in that table is there any reference made to the County of Richmond?

Judge Levet: What exhibit?

A. No, sir.

Mr. Galt: Table 7, your Honor.

Judge Waterman: Exhibit 7, Table 10.

Judge Levet: Exhibit 7 is Table 10.

Judge Waterman: For clarification, Mr. Sand, I don't think there is any problem about this, the document that has been admitted in evidence, subject to possible exclusion, numbered 2, has on it Table 2. No. 3 has on it Table 3. No. 4 has on it Table 4. No. 5, however, has a chart, a per-

centage chart. No. 6 has a table numbered 8. No. 7 has a table numbered 10.

[fol. 403] Mr. Galt: I apologize to your Honors.

Mr. Sand: For the clarification of the Court and the numbering system, the table numbers which are missing from the exhibits are material contained in the stipulation.

[fol. 404]

STIPULATION THAT CERTAIN DATA IS ACCURATE AND IS PROPERLY BEFORE THE COURT ORDERED FILED

Judge Waterman: I might just as well state at this point that the stipulation is ordered filed and made part of the trial record. It was entered into this morning and was signed by all counsel of record here.

Mr. Galt: I take it that there is no objection to questioning as to th m.

Judge Waterman: No.

Mr. Galt: But at present I will withdraw that. I will assume that it is one of the exhibits.

Judge Levet: You may examine on the stipulation if you want to.

Judge Ryan: He doesn't want to examine on that.

You have no further questions, have you?

Mr. Galt: Yes, your Honor. I would like to examine Professor Silva at some length, if I may.

Judge Ryan: All right.

By Mr. Galt:

Q. In your tabular presentations and in your writings on New York apportionment, you referred to the Fordham Law Review and material of that sort. Have you used the term "equitable representation" or "equal representation"? [fol. 405] A. Yes, sir, I have.

Q. Would you tell us exactly what you mean by those terms?

A. That one man equals one vote, that a popular vote cast for a State Senator in any one county has equal weight with one popular vote cast in any other county.

Q. There are other theories of equal representation

known to the science of political science, well recognized ones?

A. Not that I know of. Historically there have been other theories. But I do not believe political science accepts other theories.

Q. Other theories than the theory of one man, one vote?

A. Yes.

Q. I take it that all these charts and statistics that you have presented here, and all these references you have made in your writings in the Fordham Law Review and elsewhere to the apportionment system of New York are valid only to the extent that the doctrine of equal representation, which you have just explained, is valid?

A. I would assume so, sir.

Q. That doctrine is based fundamentally on what con- [fol. 406] cepts? Let us take particular areas.

Judge Levet: I did not quite hear what you are referring to.

Mr. Galt: The doctrine of equal representation.

Judge Levet: I am sorry. I thought you said "document."

Q. The doctrine of equal representation, what concepts are they based on fundamentally?

Judge Waterman: She has testified to that already. She means one man, one vote.

Q. But I want to know where in the Constitutional concept, where in the cases in the Constitution of New York State—

Judge Waterman: That is a matter of argument. We will take briefs on that if you not have already briefed it.

Mr. Galt: I only want to find out whether the witness suggests that she has any source for this theory of hers according to the concept in one field, for instance, of the Constitution.

A. I had assumed, and I think my profession generally assumes, that the ideal is one man, one vote; that this is a basic premise of democracy.

[fol. 407] Q. You assume that that is a basic premise of democracy?

A. I know the literature, the apportionment literature assumes this.

Judge Waterman: It seems to me that we are getting—I fully appreciate that you will never get any objections from anybody—but the Court has got to step in and say we laid down guide lines here, and your cross-examination under any theory of trial is yours. I think that we ought to stay somewhere within the Court's own theory of guide lines here.

Mr. Galt: If your Honor please, I appreciate that fully, and I don't intend to abuse any privilege which this Court accords me.

I do want to say that the statistics themselves have behind them a certain theory of Dr. Silva's views, and this is what the questioning is addressed to.

Judge Waterman: Without peradventure of a doubt, the Court fully appreciates that, fully appreciates that Dr. Silva's statistics, accurate though they may be, were drawn up with an idea in mind to show certain things, and that has already been proved, and she cheerfully admits it.

Isn't that so?

[fol. 408] The Witness: Yes.

By Mr. Galt:

Q. You have read the complaint in this action, I take it, Dr. Silva?

A. Yes.

Q. There is an allegation in there to the effect that the theory you espouse is the theory on which governments of Anglo-Saxon jurisdiction proceed in their apportionments. The complaint says that the New York system is contrary to the theory of Anglo-Saxon philosophy and government. Isn't that so?

A. I have read the complaint, but I don't recall whether it says so or not. If you say so, I will concur.

Q. If that statement is in the complaint, and we can get a copy of it and show it to you—

Judge Waterman: Again, though I do not wish to stop you, this is a conclusory allegation.

Mr. Galt: Yes, it is. Not only conclusory—

Judge Waterman: We are conscious of that, Mr. Galt.

Q. Let me ask you this. I will skip that in view of what the Court has said in the interests of saving time.

Let me ask you this: Is the legislative representation as embodied in the United States Constitution for the [fol. 409] United States Legislature, the House of Representatives and the Senate, founded on the doctrine of equality as you mentioned it?

A. In the House of Representatives, it is; in the Senate, it is not.

Judge Levet: I would think that the Court would be able to take judicial notice of that without proof.

Mr. Galt: Of course, your Honor, but I am only asking Professor Silva to say whether she believes her theory is embodied there.

Judge Levet: I don't know how we are concerned with that.

Mr. Galt: I think the relevance will appear in a minute.

Q. In the House of Representatives you say that it is founded—

Judge Waterman: No state may be deprived of two senators in the Congress without its own consent, which practically makes the Constitution unamendable in that particular. We are conscious of some of these things.

Mr. Galt: It is not for the enlightenment of the Court in that sense, because I am well aware that the Court knows [fol. 410] these things; but I am interested in the application of Dr. Silva's theory, if there is any, to things that are so familiar to the Court and to the public. I wanted to ask Dr. Silva whether or not she agrees that in the House of Representatives every State in the Union has a Congressman regardless of its population.

Q. Is that correct?

A. That is correct.

Q. May I ask you this, Dr. Silva: Are you familiar with the City Charter which was recently adopted?

A. I have not studied it. I have read portions of newspaper accounts, yes.

Q. You know that the City Council is apportioned according to the counties of New York—Kings, New York, et cetera—

A. I haven't studied the apportionment and I am not prepared to answer.

Q. You don't know?

Mr. Sand: I think in fairness to the witness she has answered the question.

Judge Waterman: I think she has, too.

Q. If I were to tell you that the County of Richmond has a number of representatives on the City Council which, in comparison to the County of New York, has nothing to [fol. 411] do with population, would you say that that system of apportionment is vulnerable under your theory?

A. I would have to study the provision.

Judge Waterman: We will exclude that. It is immaterial and irrelevant.

Q. Dr. Silva, let me ask you this: Under your theory, as you have been expounding it, would you say that a variation of one or two per cent between the population of a class of county and its representation is inequitable or invalid under your theory?

A. I don't think this is normally a measure that is used. The measure that you suggest is not the measure that is used in apportionment literature for measuring how satisfactory an apportionment is. So I am unprepared to answer. You are suggesting a measure that is not applicable. I am not prepared to answer yes or no. In certain cases it would, and in certain cases it would not.

Q. Under your theory, at what point of variation would a system of apportionment become equitable or inequitable?

A. I would accept one of the two standard measurements for measuring the satisfactoriliness of an apportionment.

[fol. 412] Q. Under your theory?

A. Yes.

Q. I don't think that you have understood the question. At what point—

A. Unless you are prepared to let me explain the measures of equity and apportionment, I cannot answer.

Mr. Sand: I ask that the witness be permitted to answer.

Judge Waterman: You say that there are two standards?

The Witness: Yes.

Judge Waterman: Then the cross-examiner quite properly says there are among political scientists two recognized theories?

The Witness: They generally recognize statistical measures.

Judge Waterman: Is that what you are trying to tell us? Whether or not that comes within the guide lines laid down by this Court in the beginning, I am interested. What are you trying to tell us?

The Witness: There are two usual measures. One is that you measure the number of citizen inhabitants per assemblyman in each unit or each legislator, assemblyman, senator, congressman, or whatever it might be, to each unit [fol. 413] to which you apportion. You compute the first measure simply by dividing a number of citizen inhabitants in this unit by the number of legislators apportioned to that unit.

The other: you just reverse the thing the other way. An apportionment is mathematically satisfactory when you cannot reduce any more, you cannot reduce or equalize any more the differential between any given county and any other county by transferring a legislator from one to the other.

Judge Waterman: Now you are getting into the theory of equalization which you say you believe in?

The Witness: Correct.

Judge Waterman: I think I have separated the factual from the theoretical in my own mind. I warn you and I warn your counsel that when we get around to deciding the case we are going to decide it according to our own guide lines as we have drawn them.

By Mr. Galt:

Q. You studied, did you not, the representation you have in your tables, the representation in 1894 following the Constitutional Convention and the enactment of the constitutional provisions now in the State of New York.

[fol. 414] Now, at that time, there were two big counties, were there not, New York and Kings?

A. Yes, sir.

Q. These were two big counties?

A. Yes, sir.

Q. Do you know what the variation was between population and representation?

A. I believe it is in one of these tables which I do not have before me.

Judge Waterman: If it is, we will find it there. Move on to something else.

Q. Dr. Silva, let us again refer to the allegations of the complaint. The complaint alleges, does it not, a grossly unfair weighting of both houses of the New York Legislature against what is referred to in paragraph 12 of the complaint as the densely populated urban centers of the State, is that correct?

A. Yes, sir.

Q. To your knowledge does the term "urban" or "urban center" have a specialized technical meaning applied to it by the United States Census to designate densely populated sections?

A. The United States Census uses several terms. They used the term "urban." It was redefined after 1950. They [fol. 415] used the term "urban" generally to mean any incorporated place having more than 2500 inhabitants. They also used the term "metropolitan area"—

Q. I was not asking about that.

A. 2500 is the dividing point under the definition of the Bureau of Census.

Q. You know that the United States Census characterizes the counties in New York by a percentage of urbanization?

A. Correct.

Q. What percentage of urbanization would you say renders a county or counties a densely populated urban center?

A. I would accept the definition made by the Bureau of Census for what they call the central city.

Q. What is that? What percentage is that?

A. I don't believe they use a percentage. They do not define it in terms of a percentage.

Q. What percentage would you use to characterize it?

A. I wouldn't. I would accept the Department of Commerce classification. I would not undertake, myself, to make a classification. In all cases I think I have used either constitutional or census classifications. I would decline [fol. 416] to do that.

Q. Let me understand that, Dr. Silva. In most of these charts which we have in evidence as covered by the stipulation, you generally refer to six counties.

A. Yes, sir.

Q. Of six counties that we mentioned before, five of them having representatives in the form of plaintiffs in this case and one of them, Erie County, not directly represented by a plaintiff in this case; is that correct?

A. Yes.

Q. Is there any question in your mind that these are heavily urbanized counties?

A. Certainly the first four are heavily urbanized—Bronx, Kings, New York and Queens. Portions of Erie are. Nassau would not fall under the central city classification of the Bureau of Census.

Q. I did not ask you that. You consider Nassau heavily urbanized?

A. I am not prepared to answer the question unless I can define my term.

Q. How about Erie?

A. I am not prepared to answer that question unless I can define my term.

Judge Ryan: Where did you say you went to college? [fol. 417] Fordham University?

The Witness: University of Michigan.

Q. These difficulties you are having with the determining of what are urban counties in the State of New York and

whether, even, some of these six you classify under that category: I want to know, Doctor, if you think that these are the only six—and now it develops four—urbanized counties in the State of New York?

A. Let me define my terms and I will answer your questions.

Q. I think the meaning of this term is clear enough. If we were to characterize the urbanized counties of the State, would we not have to include more than even the six counties you show here on your chart?

A. It depends on how you define "urban."

Q. How would you define "urban"?

A. I would use the classifications of the Bureau of Census, and they use three or four.

Q. How did the Bureau of Census classify them?

A. They used three or four classifications.

Q. What are the three or four, if we have to pursue that?

Mr. Sand: You don't have to pursue it.

Mr. Galt: I think that interruption was unnecessary. If [fol. 418] you want to make an objection, go ahead.

Mr. Sand: I object to the manner in which the cross-examination of the witness is being conducted. I think that the witness should be permitted to answer the questions fully and fairly.

Judge Waterman: This last question gives her carte blanche. He asked her what her terminology meant.

Mr. Galt: I am interested in the fact that the plaintiffs' own witness is not able to determine what an urban county is in the State of New York.

A. My six counties here are not classified on the basis of the census. I have selected these counties because the Constitution designates three ratio counties.

Q. I am not interested in the ratio now.

A. This is how I picked these.

Q. The complaint talks about urban counties and discrimination, alleged invidious discrimination against urbanized counties. I want to know whether you consider these the only urbanized counties in the State of New York.

A. No, sir, I do not.

Q. What else do you consider urban counties?

A. This is where I must define my terms.

[fol. 419] Q. I am asking you what the other urbanized counties are, in your opinion.

Judge Waterman: Frankly, I am not interested. We all know Monroe County is probably the most urbanized. Has the least representation. I don't see anybody here from Rochester. We are all acquainted with Syracuse and problems. Who cares? Do you care?

The Witness: I am prepared to answer the question if I can define what is meant by "urban," in which there are three or four different types of classification. I am not prepared to answer yes or no or just list counties without defining my terms.

Judge Waterman: Don't you see that what you are talking about are things which this Court is supposed, whether it does or not, to know, and which the Supreme Court of the United States has frequently said, because we are judges in New York, though they are much superior to us in wisdom, they realize that we should have a better knowledge of matters here in New York. So we are resting on the Supreme Court.

Mr. Galt: I want to make it perfectly clear that it was not the Court's knowledge of urbanized that I wanted to get but Professor Silva's knowledge for use in her tables, to show what the table situation really amounts to.

[fol. 420]. By Mr. Galt:

Q. The counties that were mentioned by Judge Waterman, that will give you at least ten in the urbanized bracket, would it not?

A. I don't know how others define "urban." I have used the counties designated by the Constitution. If you use the Bureau of Census classification of urban, you are going to get more than ten. If you are going to use the Bureau of Census classification for standard metropolitan area, you are going to have six, but not these six; six standard metropolitan areas.

[fol. 421] Q. All right. Bronx, Erie, Kings, Monroe, Nassau, New York, Onondaga, Queens, Suffolk, Westchester.

Mr. Galt: Ten taken from a table which I believe is covered by the matters which we have stipulated to.

Judge Waterman: Out of that detail I can pick out two, not five.

Q. (Continuing) But taking these ten in your table—not only a big six, there is a big ten right in your table—if we add Richmond to that list of ten, Richmond being in the City of New York, do you know how many seats they would have in the Senate?

A. I would be able to certainly do the addition if I had the figures.

Q. All right. Do you have what was originally was your table 13?

A. I don't have it.

Q. All right. We will give you this here.

A. Yes, sir. These are Assembly districts I believe. 14—there are 14 counties that belong here according to the constitutional classification. Four have been eliminated. This is not my table. There should be fourteen.

Q. It is not your table?

[fol. 422] A. No, sir.

Q. All right. I certainly don't want to—

Judge Levet: What is this you are showing her?

Mr. Galt: It is marked table 13, part of the stipulated facts.

The Witness: There should be 14 counties in that last one.

Q. You have a list of 14 counties also—that is true—but I think this is your list as well. However, I don't want to present it to you as your list unless I am certain that it is, Dr. Silva.

Mr. Sand: May I clarify the situation here. Certain tables prepared by Dr. Silva were partially contained in the stipulation and otherwise have not been introduced in evidence. If Mr. Galt would like me to indicate where the full table is, I have that information.

Table 13—the substance, a portion of table 13 is contained in VII of the stipulation which has been filed.

Mr. Galt: Those 10 counties are already stipulated to, if your Honor please, the ones I read before.

[fol. 423] Q. If we were to characterize the urbanized areas of the state against the so-called rural areas, wouldn't we have to use more than the six counties to which you have been referring?

A. "Urban" is not a term I am using. I am using the counties as defined by the Constitution for Senate apportionment. There are six. I have used the counties that are defined by the constitution for Assembly apportionment. There are 14. "Urban" and "non-urban" is not my term. It is not a term here that I am ready to define over and above the way the Bureau of Census defines it.

Q. But in your table you haven't had any regard then to this theory of urbanization as propounded in the plaintiffs' complaint?

A. Well, I think the tables speak for themselves. They do—it so happens—it so happens that the counties that the Constitution provides different apportionment rules for happen to be urban counties, but the Constitution doesn't define them as urban counties. It describes them in terms of their population, not population density; by the terms of the proportion of the state's total citizen population that they contain, and that they have used the constitutional [fol. 424] definition.

Q. The point is this, Dr. Silva: If we used the ten counties or the fourteen counties to which you have referred, wouldn't that change the averages and ratios in your tables?

A. No, sir. If you—well, now, let me answer that. If you are going to add to the six Senate classification, which is a constitutional classification, these are the six counties which the ratio must be higher for to apportion. If you are going to add to this some other urban counties, where the ratio is different, where the ratio is lower to this, it would change the view. This is the constitutional—

Q. It would change. I didn't ask you about the ratio. But if you add the counties, it would change this?

A. Well, if you add one or all of the counties, it would change it arithmetically.

Judge Levet: Obviously if you add them it would change on table 1 the apportionment figures you have for the state; isn't that right?

The Witness: Probably so.

Judge Levet: Well, there is no doubt about it?

[fol. 425] The Witness: I assume it would change it. I have not computed it.

Q. Dr. Silva, if we take the 10 counties, do you know how many seats out of a 57-member Senate they would have, out of the 1960 apportionment?

A. I don't carry these numbers in my head. I am sure—

Q. According to your calculation, would they be 37 out of 57?

A. I would have to add them, sir. If you give me the table, I will add them.

Q. All right. Add them from any tables you want, any papers you have, and if you lack anything I can supply, I will be glad to supply it.

A. Which 10? I have 14 here.

Q. On table 7 of our stipulation. I don't know if it's the same one as this. Will you look this over, Dr. Silva.

A. Yes, sir.

Q. This is part of the stipulated facts. How many Senators would they have out of the 57?

A. 37 out of the 57.

Q. What about their numbers out of the 150 Assembly seats?

[fol. 426] A. Well, that is something of a matter of addition.

Q. We will wait for you to add it.

Mr. Sand: I object to this, your Honor. This is unreasonable and unfair.

Judge Ryan: I think it was Cicero who said something about abusing patience in his orations.

Mr. Galt: Very well, your Honor. I will take the hint.

Judge Ryan: I think this is all immaterial, in my view. That is not directed as a personal observation, you understand.

Mr. Galt: I understand that, your Honor. I will do my best to adhere to the procedures that the Court wishes.

Judge Ryan: I would take it that way. You can do it any way you please.

Mr. Galt: Under those circumstances, if your Honor please, no further questions.

Judge Waterman: Thank you, Mr. Galt.

Does anyone else wish to examine?

By Mr. Null:

Q. Dr. Silva, with respect to Plaintiffs' Exhibit 1 in evidence, the table—

[fol. 427] A. Table 1.

Judge Levet: Exhibit 1, table 1.

Q. Table 1, yes. The question that Judge Levet put to you about the total figures, if all of these counties were added in, would the final figure of constitutional ratio for apportionment of Senators be different? I believe your answer was that it might be different.

A. The ratio won't be different. The ratio is computed by dividing the state's total citizen population by 50. I understood him to ask me whether the remainders might be different, whether there might not be some remainders in other counties that are not shown here. The numbers, the total at the top might be different if you added some other counties. Where it says "Remainder of State", that line might change if we added other counties. No other number on there would.

Q. Calling your attention, Dr. Silva, to Plaintiffs' Exhibit 3, table 3—

A. I don't have it, sir.

Mr. Null: If I may, with the Court's permission, give her my copy. This is table 3, Plaintiffs' Exhibit 3.

Q. You refer there to the largest senatorial districts [fol. 428] by population.

A. Yes, sir.

Q. What county is that?

A. It's now The Bronx.

Q. And in your table what was it in 1960?

A. I think it's Bronx under the present apportionment. The next apportionment will be Nassau. I don't know if it said, but I know it is Nassau.

Judge Levet: What is the answer?

The Witness: It is now The Bronx and under the next apportionment it would be Nassau.

Q. What is the present population of the senatorial district to be in Nassau County?

A. The average population would be 425,267.

Q. And what would the population of the smallest district be?

Judge Levet: In the state?

Mr. Null: Yes, sir.

A. There you can't be certain, because it involves some legislative discretion. If the smallest senatorial district is the Essex-Saratoga district, it is 166,715.

Mr. Galt: I object. If there is no way of ascertaining it, the answer cannot be given.

Judge Levet: She qualified her answer.

[fol. 429] Q. Calling your attention to the stipulation, stipulation IV, Dr. Silva, which I showed you—

A. Yes, sir.

Q. —in order to phrase my questions properly—

A. Yes, sir.

Q. According to that table, how many state senators will Monroe County have, according to your count?

A. It will have three.

Q. And the population of Monroe County?

A. 571,027.

Q. And Nassau County has how many senators?

A. Nassau will have three.

Q. With a population of how much?

A. 1,275,801.

Mr. Null: Thank you, Dr. Silva.

Mr. Sand, which exhibit has the assembly districts?

Mr. Sand: Stipulation VI and stipulation VII.

Q. Dr. Silva,—

A. Yes, sir.

Q. Will you please examine stipulations VI, VII and VIII.

A. Yes, sir.

Q. With regard to telling the Court which is the assembly [fol. 430] district with the smallest population.

Mr. Galt: It is shown in the stipulated facts.

Judge Levet: Isn't it shown there?

A. Sir, I don't believe the smallest assembly district is here. It's in VIII. Schuyler County has the smallest.

Judge Waterman: Sir, I never had the slightest thought that you were interrogating the witness on these specifics. Aren't you getting into matters that are so clear and obvious from the exhibits in the case that all you are asking her to do is have her words say something which is already in front of us?

Mr. Null: My understanding was to bring it down to the county level as to why Nassau is so perturbed—

Judge Ryan: I could make a speech about The Bronx. I have been living in The Bronx all my life, and I could talk about our being discriminated against. It is a question of whether or not this Court has the power to correct it. We know these things exist. The question is have we the right as a federal court to correct this, to upset this? That is a matter of the state, for the voters.

Mr. Null: I do not wish to prolong it. I will cease my [fol. 431] cross-examination.

Judge Waterman: Does the City desire to cross-examine?

Mr. Offner: I just want to clarify something.

By Mr. Offner:

Q. Mrs. Silva, I am referring to table 1, Exhibit 1. Did you say it is possible for the figure at the extreme right on the bottom, "Remainder of State", the figure of 366,553, to be changed?

A. It might or it might not. If you added counties in addition to Erie and Nassau. But then you would be including counties that are not in the three-ratio.

Q. And your table is "Senate Seat Remainders in All Counties Having Three or More Full Ratios"?

A. That's right. You can't change it without changing the title of the table.

Q. But confining it to the counties that have three or more full ratios, each of the figures is correct?

A. You can't change it.

Q. Unless you include counties not included in the three or more ratio?

A. Yes.

[fol. 432] Judge Waterman: Westchester?

Mr. Libenson: No examination.

Judge Waterman: Redirect?

Mr. Sand: No redirect.

Judge Waterman: Fine.

Did you want to interrogate her after these others?

Mr. Galt: No, your Honor.

(Witness excused.)

PLAINTIFFS REST

Mr. Sand: If the Court please, under your Honor's rulings with respect to the testimony which is to be excluded, the plaintiffs have no further testimony and rest their case.

Judge Waterman: Before you rest, I want to state for the record that we have already admitted exhibits 1 through 7 subject to a possible reversal after cross-examination. The admission of the exhibits stands.

All right.

Now you rest?

Mr. Sand: Yes, sir.

DEFENDANTS REST

Judge Waterman: The City?

Mr. Offner: I had the comptroller here to testify, but [fol. 433] I understand your Honor has rejected the offer of proof, so we have no other witnesses.

Judge Waterman: That is right.

Nassau?

Mr. Null: Nassau rests.

Judge Waterman: What position Suffolk is in I am not sure.

Mr. Corwin: We are associating ourselves with the state.

Judge Waterman: With the state. All right.

Does the state have any witnesses?

Mr. Galt: Your Honor, I was going to suggest at this point, they having rested, we would in all probability be permitted to make the usual motions.

Judge Waterman: That is right.

Mr. Galt: And in this case it would be no pro forma procedure.

Judge Waterman: Yes.

Mr. Galt: So because of the certain unexpected developments with reference to some of my witnesses, anyway, I would have to check with them, so may I respectfully suggest that the motions be argued immediately after the recess. Unless the Court has other views, I would suggest [fol. 434] that that might best fit the pattern.

Judge Waterman: In accordance with the procedures people are so well acquainted with that occur in every Perry Mason show, we will now take a recess, and we will resume at 2 o'clock.

(At 12:30 p.m. a recess was taken to 2 o'clock p.m.)

[fol. 435] Afternoon Session

Colloquy Between Court and Mr. Galt

Judge Waterman: Now you have several motions, actually, don't you, Mr. Galt?

Mr. Galt: At least one, at the end of the case.

Judge Waterman: All right.

Mr. Galt: First of all, your Honor, I understand that the affidavits were marked merely as exhibits. They are not in evidence.

Judge Ryan: Marked for identification.

Mr. Galt: Marked as exhibits for identification only, and therefore there is no necessity, I assume, to renew—

Judge Levet: The affidavits, you are speaking of?

Mr. Galt: Yes, the two affidavits.

Judge Levet: I understand.

Mr. Galt: They are not, as I understand it, part of the record.

Judge Levet: That is right.

Mr. Galt: And in arguing our motion to dismiss, we can so assume.

Judge Levet: Yes.

[fol. 436] Mr. Galt: Now, if it please the Court, in view of the rulings which were made here this morning, we have taken a different slant as to the presentation of our case.

As I understand it, your Honors have ruled explicitly that no opinion testimony was being accepted by the Court.

Judge Waterman: Yes.

Mr. Galt: And our understanding of what the plaintiffs had intended to prove and what the defendants, City Council, et cetera, had intended to establish would have encompassed the meeting of opinion testimony by opinion testimony through our own experts.

Accordingly we had been ready to proceed with Professor Alfred de Grazia, who is here, who is an expert in the field of political science and apportionment, who would have testified to his conception of the historical—or, actually, to the historical and rational basis of New York apportionment and what factors should be adduced and taken into consideration to ensure the proper diffusion of political strength.

We had intended to develop, through expert witnesses like Professor Spencer Parrit, Dr. Michael O. Sawyer and Dr. Hollister Kent, the whole aura of county development [fol. 437] in this State, the importance of counties as units of government and administration and as communities of interest, their liaison to the State Legislature and such things as the matters which must be—

Judge Waterman: We will accept your statement, General Galt, prima facie, that these gentlemen would have been of some assistance to your case. If you wish to file an additional brief to any brief that you have presently filed, it will have to be done pretty shortly.

Mr. Galt: Yes.

Judge Waterman: We are neither interested in what you might have done or interested in what you could have done. Do you have any evidence that you intend to put in on the issues as we have pitched them?

The answer is no, so you have a motion to dismiss, and you want to argue it, is that right?

Mr. Galt: That is correct, your Honor.

[fol. 438] Judge Levet: I take it that there is no testimony that the State is going to put in?

Mr. Galt: In view of the Court's ruling this morning, we feel—

Judge Levet: No matter why it is, is it so?

Mr. Galt: It is so, your Honor.

Judge Levet: All right.

Judge Waterman: Now you want to argue one motion to dismiss the entire complaint, not the motion to dismiss WMCA separately but the entire proceeding?

Mr. Galt: That is correct.

Judge Waterman: I wonder if we just cannot take that as a motion and reserve judgment on it and proceed with argument, which will give you a better chance, as a matter of fact, because it will permit the plaintiff to argue first.

Mr. Galt: Very well.

Judge Waterman: You asked for an hour, is that right?

Mr. Sand: Right.

Judge Waterman: I don't think anything has transpired that will require you to ask for more time.

Mr. Sand: No. I will make every endeavor to conclude in an hour.

[fol. 439] Judge Waterman: All right.

Argument on Motion to Dismiss the Entire Complaint by Mr. Sand

Mr. Sand: May it please the Court, this case is now before this tribunal for resolution of the issues on the merits, freed from any doubts which this Court may have entertained as to questions of justiciability standing or the applicability of the Fourteenth Amendment.

Plaintiffs of course have the burden of proof, as must any plaintiff who challenges the constitutionality of State law. Plaintiffs have the burden of proving that there is invidious discrimination. We submit that we have met that burden.

Clearly, the Supreme Court of the United States in Baker v. Carr and in its remand of the Michigan case and

of this case intended invidious discrimination, the standard to be applied here to be a meaningful standard and a standard which it was possible for plaintiffs to meet.

First, of course, we look to the numbers themselves, and the Court has indicated that perhaps we look only to the numbers, and the extent to which the apportionment of both the State Senate and Assembly is disproportionate to the population of the State.

We start with a base for measuring an apportionment [fol. 440] with people, because government above all else represents people, no matter what language the experts may use, no matter what the talk may be of interests or local subdivisions, what we are talking about is to what extent the people of this State will be represented in their Legislature, and we respectfully submit to this Court that any system of apportionment which gives greater weight to the votes of citizens because they reside in one area of the State than it does to the votes of other citizens residing elsewhere contains within it an implicit value judgment that some citizens of the State are worthier of representation, having a right to the disproportionate say in the government than other people.

We respectfully submit that such a value judgment implemented by State action as it is in New York is contrary to the equal protection clause of the Fourteenth Amendment.

Thomas Jefferson said: "Equal representation is so fundamental a principle in a true republic that no prejudices can justify its violation because the prejudices themselves cannot be justified."

The issue is not whether all the people of the State are to be represented but whether some people are to be represented disproportionately to their numbers, and who is to say which people and on what basis they are to be pre- [fol. 441] ferred.

These are value judgments which the equal-production clause does not permit. There cannot be some citizens more equal than others under the Fourteenth Amendment.

If the Court please, whatever other factors may ultimately be reflected in the apportionment of one house of a bicameral legislature, there now exists an overwhelming

body of judicial and other opinion to the effect that under the equal-protection clause of the Fourteenth Amendment, at a minimum, one house of the Legislature must be proportionate to population and, of course, in New York State neither house is proportionate to population.

The Solicitor General of the United States in an address made before the Tennessee Bar Association, which is quoted in the opinion of the state court in Maryland, and your Honors have available to you the some fourteen or fifteen opinions which have been rendered by federal and state courts, since the decision in Baker v. Carr, in that speech Solicitor General Cox said that in his opinion the rule which will evolve is that one house of a legislature must be proportionate to population, and perhaps the other house need not directly based on population, pro-
[fol. 442] vided that the result of what other base is used is not too disproportionate to population.

If the Court please, the battleground between the courts and scholars on the issue of reapportionment has passed this case by because the issue which is now being bitterly fought, the issue which is involved in the Michigan case, the issue which is involved in the Maryland case, is, of course, assuming that one house must be based on population, must the other house also be based on population?

I therefore respectfully say to the Court that the overwhelming weight of authority, including decisions by three-judge federal courts faced with situations not too dissimilar from this one, supports the position of the plaintiffs.

Judge Levet: May I ask a question there?

Is there anything in Baker against Carr which substantiates your assertion?

Mr. Sand: There is nothing in the explicit opinion of Baker against Carr which would indicate how ultimately the cases were to be resolved on the merits, but there is, as every federal court which has since passed on this question has held, much in Baker against Carr which is implicit when it is acknowledged that questions of state
[fol. 443] apportionment are within the orbit of the Fourteenth Amendment, which is explicitly held to be the case by the Supreme Court; then many consequences flow, and these are the consequences which some fourteen other courts have found to exist.

What the Supreme Court did in Baker against Carr was to turn the key that unlocked the door, and there was in this country such a pent-up desire for redress from long-standing grievances from which there had been, heretofore, no redress, that with great expedition in fourteen or fifteen states, in cases commenced after Baker against Carr, the courts have granted precisely the relief sought in this case. [fol. 444] We look then first to the—

Judge Waterman: Just a minute.

Mr. Sand: Yes.

Judge Waterman: The courts have not granted any relief, as I understand any of the cases. For the most part they have deferred action, waiting for the Legislature to act, saying with a big club, "If the Legislature does not act, we will."

Mr. Sand: I accept that modification. I think in some instances the courts have gone beyond that.

Judge Waterman: Yes. In these two cases. In Wisconsin they waited for the Legislature, and the Legislature and the Governor didn't get together, so they appointed a Master, who was not supposed to report until after the legislative session. In Michigan they did that very remarkable thing which has been stayed by the Supreme Court.

Mr. Sand: Your Honors, what the courts have done is precisely what the prayer for relief in this complaint, filed fifteen months ago, asks be done, and that is that the Court declare the existing apportionment unconstitutional, regain jurisdiction of the case, set the case down [fol. 445] for a subsequent hearing, with the thought of giving the opportunity first to the Legislature to reapportion.

Judge Levet: Does that mean, Mr. Sand, that the Legislature must act and act irrespective of the State Constitution and set forth something? Even if this present system is outlawed, does it mean that the Legislature is expected to pass something which is contrary to the State Constitution?

Mr. Sand: Well, your Honor, that is an issue which has been specifically resolved in the Georgia and Maryland cases, in both of which the apportionment provisions were

contained, as in New York, in the State Constitution, and the most explicit discussion is in Maryland, where the Court has—

Judge Levet: No. I am not concerned with Maryland. Answer my question, please, as to New York.

Mr. Sand: Once the Court declares the existing constitutional provisions with respect to apportionment to be invalid, there will then be nothing contained in the State Constitution—validly contained in the State Constitution with respect to apportionment. The Legislature would therefore be free to pass a statute.

Judge Levet: That is your contention.

[fol. 446] Mr. Sand: That is my contention, and with all respect, your Honor, that is the conclusion which was reached by the Court in the Maryland case and in the Georgia case.

Judge Waterman: While we are on that point, in any of these other states was there an opportunity for the people, vote by vote, irrespective of districts, state-wide, to do anything to their Constitution within five or six years, such as they had the opportunity here in New York?

Mr. Sand: The Michigan case, your Honor, involves an apportionment of the State Senate, which was enacted by initiative and referendum in 1952. Not only is there initiative and referendum in Michigan, but the very apportionment provision itself was enacted by initiative and referendum.

In the Oklahoma case, a three-judge court noted that there was then pending an initiative petition, and the court said the question of whether or not that apportionment will violate the 14th Amendment is not a question which is resolved by a vote of the majority. Obviously, the majority cannot enact a provision which is contrary to the equal protection clause and have it sustained by of the [fol. 447] fact that a majority has set it so.

Obviously, if a State were to, by constitutional amendment, provide some provision violative of the 15th Amendment, there would be no hesitation in—

Judge Waterman: I get your point.

Mr. Sand: —in invalidating it.

The figures show, as is common knowledge in this State, that gross disparities exist, that with respect to the Assembly, the disparities are as much as fourteen to one; with respect to the Senate, the disparities are in some instances better than two to one.

Judge Ryan: Is it your position that substantial equality is a constitutional requirement?

Mr. Sand: It is my position that the Fourteenth Amendment requires that the apportionment of the State Legislature be proportionate to population and that there must be a direct and approximate relationship between the population of the State and the apportionment of the Legislature.

Judge Ryan: And this, you maintain, is so even though a set policy is evidenced by the Constitution and by the legislation implementing that Constitution—a set policy which has a rational basis?

[fol. 448] Mr. Sand: Yes, your Honor. There are—

Judge Ryan: Isn't that contrary to even what Mr. Justice Brennan said in Baker v. Carr, at page 226?

Mr. Sand: Your Honor, I—

Judge Ryan: He specifically stated that the judicial standards in the equal protection clause are well developed and familiar. It has been open to courts since the enactment of the Fourteenth Amendment to determine if on the particular facts they must that the discrimination reflects no policy but simply arbitrary and capricious action.

Mr. Sand: Your Honor, I respectfully submit the situation to be this: there are two instances; there are two types of cases in which there would be no relationship between population and apportionment. One would be the crazy-quilt, to use Judge Clark's term. Obviously, if the apportionment of the Legislature were determined by numbers pulled out of a hat, that would not be a rational policy. But in our respect it goes beyond that, because the rational policy which the State urges must be a policy which is permissible under the Fourteenth Amendment, [fol. 449] and if that rational policy be one which has implicit in it the assumption that because persons reside in a particular area of the State their vote is entitled to greater weight, that they are entitled to a greater influence

in Government than is proportionate to their numbers, that is not a rational policy permissible under the Fourteenth Amendment.

Judge Ryan: Don't you lose sight of the fact that our representatives are chosen not as representatives of an urban or of a rural district, but rather as representatives of one of the two major political parties, and that we hear —it frequently happens—of representatives of both major parties coming from districts within an urban area?

Mr. Sand: I recognize the party system in New York State.

Judge Ryan: Isn't that the system by which legislation is enacted?

Mr. Sand: And I—

Judge Ryan: —rather than by a system of choosing representatives—

Mr. Sand: I respectfully call your Honor's attention to the fact that in New York State by virtue of the mal-
[fol. 450] apportionment, the party which receives the majority of the votes does not elect the majority of the State Legislature, so that in New York State mal-apportionment brings it about that the people having a party preference in the majority are unable to implement that preference, and in this respect New York is probably the worst mal-apportioned State in the Nation, and with respect to the party system the discrimination is more invidious in this State than in any other State in the Nation.

Judge Ryan: Would you recognize that there is no longer a population with any real permanency which can be described an urban population, and that there is a constant flux and movement, not only within the State but throughout the Nation, of people who formerly lived in the city and moved out to rural areas?

Mr. Sand: I recognize it, your Honor, and rely on it, because I think that the mobility of the population indicates the arbitrariness, the irrationality in saying that where a particular citizen happens to be at a particular time is determinative of how much weight should be given to his vote in the Legislature.

I think that what your Honor has pointed out is that
[fol. 451] notions of localism, of the significance of the

political subdivisions, which developed at an earlier time in the history of this State, and at a time when there was a more uniform population dispersal throughout the State, are now anachronistic and obsolete and are preserved solely for the purpose of perpetuating a system which is discriminatory towards the persons in the class of the plaintiffs. And of course this is a class action brought on behalf of the entire class, and the fact that there is not a single plaintiff is of no significance.

Judge Waterman: Would you say the corporation is in the same class as the voters?

Mr. Sand: The allegations with respect to the corporation relates solely to the due process amendment.

Judge Levet: In respect of what?

Mr. Sand: Under the Fourteenth Amendment.

Judge Levet: What with respect to the Fourteenth Amendment?

Mr. Sand: The allegation with respect to the corporate plaintiff is that by virtue of the system of apportionment which exists in this State, residents of New York County, which is the principal place of business of the corpora- [fol. 452] tion, are denied their proportionate voice in the Legislature of the State, and as a consequence of that the Legislature has not only the power to discriminate against New York County, but in fact discriminate against New York County and causes actual economic injury to those persons resident in the county as well as to those legal persons doing business in the county.

We submit, if the Court please, that having shown the existence of disproportions in both Houses of the Legislature, to the extent that they exist in New York, we have presented a prima facie case, and that the burden then is upon the State to justify the system of apportionment which now exists, and we say to the Court that the justification cannot be, under the Fourteenth Amendment, one which says at one time a majority of the voters of the State enacted a Constitution which embodies in it a preference for persons who lived in rural areas, because those persons of then controlled that convention.

If your Honors please, where there is an accidental disparity, we think that under the Fourteenth Amendment the apportionment must fall.

[fol. 453] Judge Levet: Do you think that there is anything inherently unconstitutional in each county having an Assemblyman? In other words, do you contend that there should be no geographical weight whatsoever?

Mr. Sand: I contend that whatever the basis or means used to determine the apportionment of the Legislature—

Judge Levet: Can't you answer the question yes or no?

Mr. Sand: I say, yes, it is permissible to have one representative per county if the overall consequence of the apportionment system is not to arrive at a legislature in neither house of which is there proportionate representation of population.

In other words—

Judge Levet: In other words, it is all right to have that in a situation in which there is no such discrepancy in the Senate; is that what you mean?

Mr. Sand: It is all right—

Judge Levet: All right to have one house like that?

Mr. Sand: I say at a minimum there must be one house [fol. 454] which is proportionate to population. I say that the other house may be apportioned on some other basis, provided that the result of using that other basis is not to achieve an apportionment which is grossly disparate to population.

Judge Waterman: Let me ask you a question. There is an area in the State of New York which is particularly bad from your point of view, because there are very few people in it, which ought to have or ought not to have an equal representation in Albany, because it represents a natural vacational ground, the preservation of natural resources and the like. Should it have an equal representation or should it not?

Mr. Sand: It should have representation. But the fact that the people—

Judge Waterman: Is it of interest to the people of the State of New York to have their vacational areas protected?

Mr. Sand: Of course it is of interest to the people who reside there and those who vacation there. That is why I emphasize that the contention which is being made is not that there should be any area of the State or any interest of the State which is not represented, but if you say that

[fol. 455] because the people who vote in that area reside in that area, their vote is of greater significance than those who reside elsewhere, you are saying that because they vote there they are worthier of representation, they are somehow better.

In the days when there were urban minorities and in those States where there are today urban minorities, nobody thinks of saying, "We must protect the urban minority because they could be dominated by the rural interests, and therefore we have to weight the votes of the people who live in the city and give them preference."

Historically, this reflects an assumption which was made explicit at the Constitutional Convention that somehow or other the people who live in the sparsely-populated areas are better citizens, and that value judgment continued today is in conflict with the Fourteenth Amendment. Moreover, with the passage of time and the shift of population, the extent to which there was a weighting or a preference has far exceeded the situation which existed in 1894, and if your Honors will look at the charts which have been admitted in evidence, Plaintiffs' Exhibits 1 to 7, you will see that there is a consistent trend, a consistent aggradation, if [fol. 456] you will, so that even if there were a desire on the part of the constitutional delegates in 1894 to prefer urban residents, the extent to which they have preferred them is something which I think would have been very surprising to them and clearly impermissible.

[fol. 457] How does one show invidious discrimination? Because, as I said before, obviously the Supreme Court intended that this be something which is capable of proof.

Judge Levet: When do you get the test from the Supreme Court decision? Do you agree with Mr. Justice Stewart in what he said in that case and what he said on the remand of the Michigan case? There is nothing there which indicates that any test whatsoever was laid down.

Mr. Sand: In this case, if your Honors please, the Supreme Court remanded the case so that there might be a trial as to whether or not the apportionment of New York State is invidiously discriminatory.

Judge Waterman: All they said was they sent it back to us. I accept the sole responsibility. I wrote the opinion

saying that it was not justiciable. That was obviously wrong. But my two brothers said it was justiciable, and here we are.

Mr. Sand: More was said than that it was justiciable. The courts did not stop with a finding that it was justiciable. Because the courts found that discrimination of the sort alleged in the complaint of Baker against Carr, which is essentially the complaint here, stated a claim which was [fol. 458] cognizable within the Fourteenth Amendment, so that there is more than a finding of a technical matter of jurisdiction; there is a finding that the equal-protection clause does apply to the Fourteenth Amendment.

Judge Ryan: It stated the claim to the extent that placed the burden upon the court to examine whether or not the discrimination reflected a policy, and if it did reflect a policy, whether the policy was arbitrary and capricious or whether it had a rational basis.

Mr. Sand: If your Honors please, we submit that we have shown by the disparity a prima facie case, that the burden is then upon the State to show that it is a rational policy, that a rational policy has caused the existing apportionment.

Our contention is that a desire to give greater weight to the votes of persons who reside in one area of the state than another is not a rational policy which the Fourteenth Amendment can recognize or will recognize.

Judge Ryan: You do not urge here this legislation, congressional and state, creates a set of gerrymandered districts, do you? You say it is an overall policy?

Mr. Sand: Yes. There is an overall policy that throughout the State representatives be allotted on a basis other [fol. 459] than population.

Judge Ryan: And that is your only objection to it? You do not object to this provision of the Constitution or State enactment on the ground that it has created and carved out districts which discriminate against citizens by reason of their birth, place of birth, national origin, their section or their religious beliefs?

Mr. Sand: We say that it discriminates against persons on the basis of where they reside and vote.

Judge Ryan: And that is all?

Mr. Sand: Yes, sir. The Supreme Court of the United States has held that geographical discrimination with respect to the exercise of the franchise is violate of the Fourteenth Amendment.

Judge Levet: What case was that?

Mr. Sand: WMCA.

Judge Levet: This case?

Mr. Sand: This case..

Judge Levet: Where is there anything in the remand except that this is remanded for us to consider in view and in the light of, as they say, Baker against Carr?

Judge Waterman: Let us read the sentence. The sentence says: "On March 26, 1962, we held in Baker against [fol. 460] Carr, 369 U.S. 186, a justiciable constitutional federal cause of action is stated by a claim of invidiously discriminatory geographic classification."

Where do you get any question but what the burden is on you all the way?

Mr. Sand: The burden is on the plaintiffs to show a prima facie case of invidious discrimination.

Judge Waterman: Yes, we agree.

Mr. Sand: Our contention is that we make that prima facie case when we show the disparity. Of course, the Supreme Court did not deal with the question of how invidious discrimination is proven except that in some of the opinions it was indicated that this was a concept well recognized within the equal-protection clause, and there was reference to other equal-protection cases.

Your Honors, the sentence in the remand of the Supreme Court to which I had particular reference succeeds the sentence which your Honor read and is as in the—

Judge Waterman: Before you get into any trouble there, you had better discuss that with a grammarian, and I am referring to the two "and as" clauses.

Mr. Sand: I did more than that. I discussed it with the clerk of the Supreme Court.

Judge Ryan: Why do you say "more than that"?

[fol. 461] Mr. Sand: He advised me that there was no typographical error.

Judge Ryan: He was a proof reader.

Mr. Sand: This is the way the opinion came from the chambers.

Judge Waterman: Be sure to read it as you would a deposition, without accenting either clause.

Mr. Sand: "We believe the court below should be the first to consider the merits of the federal constitutional claim free from any doubts as to its justiciability and as to the merits of the alleged arbitrary and invidious geographical discrimination."

Judge Waterman: So they assume that there are no doubts about that. Which way is the assumption?

Mr. Sand: I think the intendment is free from any doubts as to whether a claim of alleged arbitrary invidious discrimination would set forth a cause of action under the equal-protection clause.

Judge Waterman: I go ahead with you, and that leaves the burden squarely on your shoulders.

Mr. Sand: That leaves the burden squarely on the plaintiffs' shoulders to show invidious discrimination, and how can a plaintiff obviously meet that burden, since the Supreme Court was not engaged in a purely academic exer-
[fol. 462] cise.

The three-judge federal court sitting in Oklahoma—and your Honors have a copy of the opinion—held that where there are disparities of as much as ten to one, that constitutes cogent evidence of invidious discrimination, and a prima facie case of invidious discrimination.

I respectfully commend that opinion to this Court as supporting the position of the plaintiffs.

Judge Levet: Do you have copies for each member of the Court?

Mr. Sand: The National Municipal League has compiled these.

Judge Levet: I asked you merely whether or not you had copies for each member of the Court. Can't you answer that simple question?

Mr. Sand: Yes. They reside on the clerk's desk.

Judge Levet: May I have copies of your papers, then?

Mr. Sand: I left them with the clerk for submission to the Court.

Judge Levet: Do you have any other copies?

Mr. Sand: Yes.

[fol. 463] Judge Ryan: Thank you very much. We are very grateful to you.

Mr. Sand: There are contained in that volume the opinions of the courts as listed on the table of contents, which is the second page. There have been included in the volume Thermo-Fax copies of the report of the Special Master in the State of Wisconsin, and the opinions of the Supreme Court of Chittendon County in Vermont, and of the highest court of the State of Rhode Island.

Judge Ryan: You did a lot of work on this.

Mr. Sand: Thank you. I just tried to give credit to this monumental job to the National Municipal League, which did the actual compilation.

Judge Ryan: You can convey my thanks to them also.

Judge Waterman: I will parrot the question which Judge Stewart asked in the argument on the stay: Are you claiming that under the Federal Constitution, the Fourteenth Amendment, the New York Constitution is unconstitutional or are you claiming only that there is a statute of the State of New York which is unconstitutional under the Federal Constitution?

Mr. Sand: I am claiming that the Constitution of the [fol. 464] State of New York is unconstitutional under the Federal Constitution.

Judge Waterman: That is a rather remarkable statement. Do you know of any case anywhere as to that?

Mr. Sand: Yes, your Honor. In Pearce v. The Society of Sisters. There was adopted in a mid-Western state by initiative and referendum, I believe, a provision in the state constitution which prohibited attendance at parochial schools.

Judge Ryan: That was in Oregon, I believe.

Mr. Sand: Yes, your Honor.

The Supreme Court of the United States held that the Constitution of Oregon violated the Federal Constitution.

In at least half a dozen cases involving integration of the public school system, federal courts have held that provisions in the state constitutions requiring segregation of the races is unconstitutional. A three-judge federal

court in Georgia has held that the apportionment provisions of the Georgia Constitution are unconstitutional.

Judge Waterman: I just wanted to make sure where you stood.

Judge Levet: In other words, your contention is that [fol. 465] it does not make any difference as to what the majority of the voters of New York want, a constitutional provision is out of order, is that so?

Mr. Sand: Yes. The majority cannot enact a provision which is violative of the Fourteenth Amendment. The three-judge federal court in Oklahoma said, rights under the Fourteenth Amendment are not subject to the will of the majority.

Judge Levet: I understand you.

Mr. Sand: If the context be moved from the Fourteenth Amendment to any other mandate of the Constitution, I think conceptually it becomes much simpler. Obviously a state cannot say by an overwhelming vote that persons of a particular race or class cannot vote.

Judge Levet: But you do concede that any rule which we might derive from Baker against Carr is purely implied. There is no statement in the opinion which in any way indicates that your contention of the so-called geographical discrimination is pertinent. Where is there any Supreme Court determination of that? In fact, they have expressed their opinion before Baker against Carr to the contrary.

Mr. Sand: In the next-to-the-last sentence of the majority opinion in Baker against Carr.

[fol. 466] Judge Waterman: What is that.

Mr. Sand: "We conclude that the complaints' allegations of a denial of equal protection present a justiciable constitutional cause of action upon which appellants are entitled to a trial and a decision. The right asserted is within the reach of judicial protection under the Fourteenth Amendment."

Judge Ryan: That is at page 237, and must you not read that along and together with the paragraph I read to you from the same opinion just a few minutes ago? It has to be read together with whether or not the legislature or congressional enactment evinces a policy which

is rational and which is not simply arbitrary and capricious. Must not you read that with what is at page 226?

Mr. Sand: Yes, with what is at page 226, and with the facts of the case before the Court.

However, once the Court recognized that we were dealing with an equal-protection problem, certain other consequences which the Court was not called upon to deal with in Baker against Carr logically follow, and that is that the basis upon which the state is apportioned must be a basis which can stand the test of the Fourteenth Amendment, which is why in almost every other case after Baker [fol. 467] against Carr, including cases where there was a system of allocation and not merely a crazy-quilt, the courts have said that the equal-protection clause applies, and that as a minimum in at least one house there must be representation proportionate to population.

Baker against Carr was not a case in which the State came and attempted to say that there was a policy behind our apportionment. This is a case in which the State says that there is a policy behind our apportionment, and that policy is that in both houses of our Legislature we are going to give greater weight to the votes of persons who live in one area than to the votes of persons who live in another area. And we say that that is invidious geographical discrimination which the Fourteenth Amendment will not permit.

Judge Levet: Do you concede that it is permissible as to one house?

Mr. Sand: Your Honor, I would like to give yes-or-no answers when I can.

Judge Waterman: I like those answers.

Mr. Sand: I know you do. I say one house must be proportionate to population and the other house need not be proportionate to population provided there is not too great a disparity from population.

[fol. 468] Judge Levet: Whatever that means.

Mr. Sand: That would mean if apportioning the other house of the Legislature the base were not pure population but, for example, gave regard to political subdivisions, that would be permissible if that did not cause such a gross disproportion to population as to in effect sub-

stantially weaken or disenfranchise the persons who were not preferred by such enactment.

Judge Levet: Then you concede that there may be some care for minorities in the state?

Mr. Sand: I think there should be the greatest care for minorities in the state. I think that everybody in the state should have a free and equal vote, and the moment you say because this person is in a minority you have to put him on a parity with the majority, you are saying even though there are fewer, they are somehow better and should have as much influence as if they were as many.

Judge Levet: You concede that there may be some geographical weight in districting; is that so?

Mr. Sand: In one house of the Legislature, so long as the consequence is not to cause a gross disproportion to population.

A much more articulate statement of that proportion [fol. 469] than mine was made by the Solicitor General of the United States.

Judge Levet: I don't know where he got his thoughts.

Judge Waterman: He made it in Tennessee at the Bar Association, which was a receptive group to make it at.

Mr. Sand: Wherever he got it, if your Honor please, I adopt it.

Judge Levet: I assume it is not a pipeline.

Judge Waterman: Do I get your argument that unless one house of a legislature is based upon population the act of the state in doing otherwise is completely irrational?

Mr. Sand: I am sorry, your Honor, I am not sure I understand.

Judge Waterman: It is the converse. The Supreme Court says that a legislature may be made up almost any way they want to make it up, providing it is done rationally. You say if it isn't done in at least in one house on a population basis it comes within that rule; therefore it is irrational?

Mr. Sand: Because it reflects a policy judgment which prefers one group of citizens to another, and that is a [fol. 470] policy judgment which the Fourteenth Amendment does not permit.

Yes, your Honor, that is the position of the plaintiffs.

Your Honors, we have shown the disproportion. We show and would show to the extent permitted by this Court the legislative history of this proposal.

[fol. 471] We have offered to prove the consequences in terms of their effect upon the persons residing in the areas discriminated against. We submit to this Court, we have shown or attempted to show by the only means by which it is possible to show that the apportionment of this state is based upon a judgment which prefers one group of citizens to another in violation of the equal-protection clause, and that therefore the apportionment of this state is not in conformity with the 14th Amendment.

If your Honors please, we have also briefed questions concerning remedy, and if your Honors wish to hear that, I will proceed.

Judge Waterman: I wish very much to hear it.

BRIEFED QUESTIONS CONCERNING REMEDY BY MR. SAND

Mr. Sand: The question of remedy of course is very troublesome, and one reading through the opinions of other courts finds that there is no unanimity as to the relief which should be granted.

We prayed in our complaint filed 15 months ago that after this Court declares unconstitutional the existing apportionment that it retain jurisdiction of the case, and that the Legislature which would then be freed from the necessity of proceeding by constitutional amendment would therefore be afforded an opportunity to itself promulgate [fol. 472] an apportionment of the state.

Clearly it is desirable to have the elected representatives of the people determine the precise composition of the state's Legislature, and we ask that, and that is the extent of the relief prayed for in the complaint.

We are, however, now before this Court fifteen months after the complaint was filed, and we are faced with a situation of an election to be held on November 7th and a primary on September 6th. The State of New York in its answer, the defendants Attorney General and Caroline Simon, have said in effect even if this Court does agree with the plaintiffs, there is not enough time.

When we were before this Court before they said we were too soon; now the defendants say we are too late.

But we are not too late because there exists within the equitable powers of a federal court the power to effectuate its decree and its order.

Your Honors will see from the holdings of other cases that there are a variety of ways in which this can be done. There is a special master. There is the at large election. There is the Court itself promulgating an apportionment. [fol. 473] Bearing in mind that we are now dealing with a situation in which the Court having issued its decree, the prescribed period of time has elapsed, and the Legislature has done nothing. We think that would not happen in New York State. We would hope that the Executive and the legislators would be more mindful of the requirements of the Federal Constitution.

However, if that did happen, and if this Court were not disposed to invoke any of these other remedies, we have suggested in our brief a remedy which it is well within the power of this Court to invoke, which would require not the changing of a single line on an election district map, not require any incumbent to run for reelection from a different constituency, create no vacancies, would permit the conduct of the election to be held precisely as it is intended to be held. However, we say that in the Legislature so elected the votes of the senators and the assemblymen shall be weighted so that the assemblyman from Schuyler County has a vote of one and the representatives of the other counties have a proportionately greater vote.

We do not urge a weighted voting system as a permanent remedy. Whether that would be a desirable way of [fol. 474] apportioning New York State in the future is for the Legislature. However, we say to New York that if a decree be entered invalidating the existing apportionment, and if the Legislature remains idle, there is at least this one remedy for which there is ample time, ample machinery and which would achieve the relief sought by the action, which is to have the 17,000,000 people of the state governed by a legislature which is composed in conformity with the Federal Constitution.

Judge Waterman: Would you have any objection to our doing exactly as was done in Tennessee, sitting on our

hands and saying, "We are not going to do anything until the Legislature has met at least once"?

Mr. Sand: The difference is this: If in Tennessee the Court did nothing, the Legislature could act, but unless the Court does something here, unless this Court invalidates the constitutional apportionment provision, not even the Legislature can do anything.

Judge Waterman: You are assuming more in Baker v. Carr than was actually said. All they said was it was justiciable, send it back.

Mr. Sand: The Supreme Court sent it back. I thought your Honor was referring to the opinion of the three-judge [fol. 475] court on remand.

Judge Waterman: I was. But from what I say, the situation in New York is different from the situation in Tennessee. I think you must be misconstruing what the Supreme Court said in Baker v. Carr.

Mr. Sand: I venture your Honor it was different with respect to the ability of the Legislature to correct the apportionment without a decree of the Court. In that respect, the situation is different, because in Tennessee the Legislature, consistent with the Constitution, could reapportion and there was no need for the Court to take any action. The Legislature, having read the Supreme Court opinion in Baker v. Carr, said, "We will remedy the situation ourselves and not impose this burden on the Court."

Judge Levet: You are saying there can be no reapportionment unless this Court holds the state constitution and statutes unconstitutional?

Mr. Sand: Your Honor states the matter exactly. If there are no further questions, I have concluded.

Judge Waterman: Thank you very much, and particularly thank you for all this reading material.

Mr. Sand: That, your Honor, is known as the weight [fol. 476] of authority.

Judge Waterman: We will recess for five minutes.

(Short recess.)

[fol. 477] Judge Waterman: Do you wish to proceed next for the City, Mr. Offner?

ARGUMENT ON MOTION TO DISMISS THE ENTIRE COMPLAINT BY MR. OFFNER ON BEHALF OF THE CITY OF NEW YORK

Mr. Offner: On behalf of the City, your Honor, I don't think I need impress upon the Court the importance of this case to the people of the City of New York and the fact that would have been much more evident than I believe it is right now if the evidence had been received as to the various legislative acts that have been enacted over the years dealing with the relationships between the City and the State.

At the same time, I feel that I cannot say anything that would not be repetitive of what my learned colleague has said and said much better than I could, and so I will rest on his statement.

Judge Waterman: Nassau?

ARGUMENT ON MOTION TO DISMISS THE ENTIRE COMPLAINT BY MR. NICKERSON ON BEHALF OF NASSAU COUNTY

Mr. Nickerson: May it please the Court, after what I can only describe as a magnificent argument by Mr. Sand, I have very little to add. I would like to point out the significance of this case to Nassau County. Since the 1950 Census, we have doubled in size. We had three State Senators, as we now do as a result of the 1950 Census, the apportionment under that census. Under the new apportionment we will still have three State Senators. So [fol. 478] that although we have doubled in size, from 650,000 persons to almost 1,300,000, we will still have the same number of Senators.

Monroe County, which will have less than half of our population, will have the same number of Senators as we do.

Now, in the Senate, on the average our senatorial districts are two and a half times as large as the smaller Senate districts. In the Assembly, the situation for us is even worse. If you add together the populations of the 31 least populous counties in the State, you discover that their population, aggregate population comes to almost 1,300,000—ours, the same as ours. They have 30 Assemblymen. We have six. So it means at the present time we are outweighed by about five to one.

Schuyler County, as has been pointed out, had an Assemblyman for less than 15,000 population. Our largest Assembly district has 340,000. So it means that it requires approximately 23 votes in Nassau County to one vote in Schuyler County.

Judge Levet: Isn't that a matter of reorganization in Nassau County on the part of the Board of Supervisors? [fol. 479] Mr. Nickerson: No. It has nothing to do with the Board of Supervisors, your Honor. This is not a problem in gerrymandering.

Judge Levet: No. I do not speak of gerrymandering, but if you had six Assemblymen and one Assembly district has over 300,000 in it, isn't it possible to rearrange that under the present formulation?

Mr. Nickerson: Yes. It would be, your Honor.

Judge Levet: Then there is no complaint.

Mr. Nickerson: There most certainly is a complaint.

Judge Levet: What is the complaint?

Mr. Nickerson: On the average, our Assembly districts are fifteen times as large as the Schuyler Assembly districts, so it requires fifteen of our votes in Nassau County to equal one vote in Schuyler County.

Mr. Levet: You have how many?

Mr. Nickerson: 340,000 at the present time.

Judge Levet: That is something which Nassau can very readily remedy. I am not speaking of comparisons with Schuyler County. I am speaking of comparisons in Nassau [fol. 480] County between the various six districts.

Mr. Nickerson: Then we are talking of different things, your Honor, because I am talking of comparisons with Schuyler County, and on the average our Assembly districts are fifteen times as large as Schuyler County's. So we do have a complaint in that regard.

Judge Levet: That is your average, you see.

Mr. Nickerson: On the average it is fifteen times as large as Schuyler County's, and in the Senate our average is two and a half times as large as the smallest senatorial district.

Thank you, your Honor.

Judge Levet: I understand that.

Judge Waterman: All right, Mr. Galt.

ARGUMENT ON MOTION TO DISMISS THE ENTIRE COMPLAINT BY MR. GALT ON BEHALF OF DEFENDANT

Mr. Galt: May it please the Court, in the course of counsel's discussions considerable reference was made and a great deal of exchange of comment between Court and counsel took place with reference to the remand of this case, and I emphasize that there was no reversal; it was vacated and remanded for reconsideration in the light of Baker v. Carr.

I was singularly struck, during the course of the entire [fol. 481] argument, with the thought that all of the opposing argument seemed to have been directed far beyond any light that would be shed by Baker v. Carr, almost I would say—indeed, I would say, in many respects and in most material respects, contrary to the Supreme Court's decision in Baker v. Carr.

I think one could not have listened to the plaintiffs' counsel arguing this case without realizing, to begin with, that the entire argument is predicated on the notion that there must be constitutionally an arithmetical basis for the representation of a State legislature, and, first of all, I want to say that this is not what Baker v. Carr held. I think I need not more than mention to the judges who have read that decision carefully that throughout the opinion there is repeated again and again emphatically—it is underscored in the opinions—that mere numerical representation is not the test for rationality. It is a question of what is equal and what is equal protection in the eyes of the law and how best a legislature may represent to the people, and that does not mean simply representing them on a strict or as close to a strict numerical basis as possible. [fol. 482] The Macdougall case is still law, the Macdougall case, which was referred to so frequently in the Baker opinion, and the Macdougall case of course holds that the function of government is simply not to represent numbers and to take into account, among other things, such elements as the diffusion of population, the interests of the thinly-populated counties. This is a composite of interests which must be taken into account.

Let us, for example, take one of the several elements. There are elements other than population. There is such a thing as community of interest which the counties to such a great extent and so very well exemplify. There are such things as geographical considerations, and there are other considerations which may very properly belong within a consistent, reasonable, rational apportionment system, such as we say New York's undoubtedly is.

Now, let us take geography alone for a moment. At I believe it is page 24 of our opening memorandum, we pointed, for instance, to the fact that the assemblyman, for instance, from St. Lawrence County—I guess that is the northeast corner of the State—represents an area covering no less than 2,767 square miles. Now, that is larger [fol. 483] than the State of Delaware. Just to mention 2,700 miles in a moment may not give us the full conception, but here is one county of the State actually larger than the State of Delaware, and I believe it is by no means the largest county.

He represents very few people, comparatively. The plaintiffs say comparatively few people. But that constituency is spread over an extremely large geographical area.

Now let us take the Senator from the senatorial district which encompasses St. Lawrence—that is St. Lawrence, Clinton and Franklin Counties, going across the entire northern tier of the State, going all the way from Ogdensburg on the west to Pottsburg on the east. And I correct myself: St. Lawrence County would be in the upper northwest part of the State.

Judge Ryan: Wouldn't that be among the Adirondack Mountains?

Mr. Galt: I do not profess to be enough of an expert to tell you how much of the range is there, but there must be undoubtedly a portion of the Adirondacks in that area.

St. Lawrence also has the seaway, and there are dif- [fol. 484] ferences in terrain and things of that sort, but the point I want to make at this moment is that the senatorial district represented by a single Senator has a geographical area of 5,511 square miles. Now, that is larger than the State of Connecticut. I need not say that

if there was to be a strict population standard adopted, let us say for argument's sake, in either house or both houses, it would necessitate certain things which would militate, I think, very decidedly against representative democracy, even in the sense in which that term has been bruited about today, because in order effectively to represent an area like that, isn't it obvious that the legislature would have to be so large as practically to make it ineffective? Imagine discussion in a tremendous legislative body. Think of the comparison of figures now between the New York State Assembly and Senate and that of the United States Senate and House of Representatives itself. There are only one hundred Senators in the United States, fifty some-odd in the State of New York. Apart from the physical difficulties—which of course are not of great consequence—of building tremendous new chambers to encompass them, what about the real fact of representation? And [fol. 485] the legislature and its constituents, so far as accessibility is concerned, would be an almost impossible matter. How could a legislator under such circumstances represent a constituency with the present 40th Senatorial District and the present representation of the single Assemblyman in each of the three counties comprising, for example, that district? The difficulties of communication between the legislator and his constituency are already so enormous as to make it questionable that this could be made even thinner and more difficult.

His job is obviously different from that of the legislator in one of the heavily concentrated, populous areas down-State.

Now, this is only one facet of the entire question of the elements of an appropriate apportionment system. Isn't it perfectly valid that such a factor which appears in the New York statutes, in all these facts of which we can take judicial notice, as mentioned by your Honors this morning, and every other thing that is relevant here—isn't it obvious that this need for community representation through the counties, through the developing counties, which are more and more becoming an important area of government [fol. 486] administratively, in the matter of liaison for the

State Assembly—isn't it clear that all this is an element which is perfectly valid, perfectly reasonable and perfectly valid to take into consideration?

And then, of course, there are other elements besides territory, besides community of interest. There is such a thing as the modified approach we have in the State of New York to the very serious question of what arises to prevent real difficulties, real representation difficulties, through having a certain degree, reasonable degree of concentration insofar as the tremendous urban and municipal counties are concerned, and if this can be considered as a composite picture, all of which the plaintiffs have ignored in pegging and premising their case entirely upon the one absolute, unequivocal standard of population—aren't these rational, reasonable elements to take into consideration?

I should like to quote—and I am sorry that I don't have the page number, because I do not have the official report—perhaps Mr. Sand would be good enough to oblige—the Court may have it handy in the Baker v. Carr decision.

[fol. 487] Judge Ryan: Do you want it, counsel?

Mr. Galt: I am sorry, your Honor. This is Baker v. Carr on remand.

Judge Waterman: I have it right here.

Mr. Galt: You have that here in the compendium of opinions.

Judge Waterman: I have it here. Do you want it?

Mr. Galt: Yes. I don't know the page on which it would fall.

Judge Waterman: It is pretty short. Baker v. Carr—I am sorry. I thought you meant our own case. You have it.

Mr. Galt: "We find no basis for holding that the Fourteenth Amendment precludes a State from enforcing a policy which would give a measure of protection and recognition to its less populous governmental units. These subdivisions constitute an integral and historic part of the State's governmental structure. They have real and substantial interests in the State's laws, and the State could reasonably conclude that its best interests would be subserved by their effective participation in state government

[fol. 488] and in the formulation of its laws and policies. The State has the right if it sees fit to assure that its smaller and less populous areas and communities are not completely overridden by sheer weight of numbers."

Judge Ryan: May I interrupt just a moment?

Mr. Galt: Certainly.

Judge Ryan: You see, what bothers me here: you are dealing with a policy which was enacted and made part of our Constitution in 1894.

Mr. Galt: Correct.

Judge Ryan: It still is part of our State Constitution. I recognize that at the time of its adoption it did not represent a policy which was either arbitrary or capricious. In the intervening almost seventy years, Mr. Nickerson has pointed out, the situation has changed to such an extent that today, with a proportion of fifteen to one, it is now and has become a policy which is irrational and from which or for which the logic has long since disappeared.

Now, what have you got to say in answer to that?

Mr. Galt: I would say first that the logical and rational policy of 1894 has not become the irrational policy of 1962, [fol. 489] despite the fact that there are, of course, undoubtedly population movements, population shifts, development of certain areas, growth of population in one area, perhaps loss of it in another area.

The rationality of the formula with only slight modifications through the years that have ensued—they have not been such as to throw the representation formulas out of gear in a really substantial or irrational form with the State itself.

To take these extreme comparisons that are made—and this is one of the faults of the theories underlying the Silva charts which were discussed this morning—to take only the extremes into account overlooks many, many factors.

First of all, there are such things as averages and norms. Even if we were to look now only to the population factor, which I think it can be agreed is not the only criterion, but even so, the population deviation is not what it sounds to be from these extreme figures, taking one situation where, in ten years, from 1950 to 1960, let us say, there has been a tremendous jump in population. Things happen between

[fol. 490] the poles of the ten-year period, too. But if you look at New York's comparison of seat holdings and seat representation with population, unlike Baker v. Carr, which, to use the expression of Mr. Justice Clark, is a crazy patchwork, a crazy-quilt patchwork, we have a fairly consistent and almost undeviating line, which would show an index close to seat representations as compared with populations in counties and so forth, and that can be traced arithmetically.

That is one thing.

[fol. 491] Perhaps my associate will be able to get the figures in our brief so that we can make this a more graphic portrayal of that point. We have some of the figures in our brief. For example—I ask your Honor's indulgence for just a moment.

Let us take the 1960 census, and this may be followed by the figures we provide at page 18 of our brief, and let us—although there are of course, a good many more urban counties than the six represented by the six individual plaintiffs in this state—let us take these six, these so-called horrendous examples which have been emphasized to the Court time and time again. Let us take their six counties.

They had, according to the 1960 census, a citizen population of 9,129,780. That is 56.2 per cent of the state's total citizen population concentrated down here in this geographically very tiny portion of the state. Now, they were represented by 72 Assemblymen and 28 Senators—48 per cent of the Assembly and 48.3 of the Senate. Now, should the Legislature reapportion the state on the basis of the 1960 census figures, these counties, the very ones we have been talking about, these six, will have 26 Senate seats, 69 Assembly seats, 45.6 and 46 per cent respectively of the [fol. 492] two houses.

At page 12 there are ten of the most heavily populated counties. We add four more. These are counties of substantial size populationwise, and they have been referred to also in the charts in this case. These counties, in addition to the six represented by the plaintiffs, would take in such counties as Erie, Westchester, Monroe, Onondaga. Under the current apportionment these have 38 Senate

seats, 65.5 per cent of all the Senate, and 93 Assembly seats, 62 per cent of all the Assembly.

If upon reapportionment on the basis of the 1960 census figures the count will be 37 Senate seats—and incidentally, there would be only 57 Senators then instead of 58—and 93 Assembly seats. That is practically 65 per cent and 61.3 per cent, respectively, of the two houses.

I mention this not to go into any figures at great length, but to mention this: There were four more counties that were referred to in the brackets of the most populous. As we extend the figures, the picture and the pattern emerge more and more clear. Here are the plaintiffs suggesting not only that there is discrimination, but I believe their [fol. 493] complaint uses the words "grossly unfair discrimination" in both houses, and here we find that the majority—for this is a class suit—are actually coming into court, and in some statistical fashion, which I confess I am unable to follow, because these figures I gave you are the figures, that they are the haplessly persecuted minority. On their own arithmetical standards, I respectfully submit that their whole theory necessarily must come crashing down.

Now, passing on to another phase of this, I should like to call attention among the things which the Court may judicially notice: We are here in the City of New York, about much has been said in this litigation. In fact, we have the City Council as a party defendant—perhaps more accurately a party plaintiff for practical purposes in this litigation, and I take it that they do not blush when they state their position, when, as it happens that in 1961, just a year ago, less than a year ago, a new City charter was enacted under which, in apportioning representatives to the New York City Council, not only were their representatives elected on a population basis, but I believe your Honors will find upon referring to the charter two representatives-at-large from each county. There is Richmond, [fol. 494] which is so downgraded in a sense in this litigation that it is not even made part of the City of New York, but it is part of the City of New York, and its territorial interests are recognized by this very same party defendant

in having a City Council, and they are one of the defendants, in which you have this type of representation.

You could go under this new City charter also to the Board of Estimate.

I believe that the 200,000 or so people—there may be a little bit more—in Staten Island, two or three hundred thousand people, have the same vote on the Board of Estimate as the two and a half million in Kings County, if we want to follow Mr. Nickerson's examples.

I am not saying anything here—I meant no comment or aspersions. Please understand that, if I may respectfully say so. But I do point to this: Here is a 1961 model of the largest city in the United States, and they clearly have other elements in their apportionment formula. They object to the state's apportionment formula.

Now, on this question of burden of proof, may I say that the reference to the Oklahoma case has in it a lot of [fol. 495] illusory factors, I think. There they held that the ten-to-one or so disparity—I don't recall exactly—is that what it was, Mr. Sand? I want to give the correct figure—may shift the burden where the State Constitution was based on a strict population standard, and so, where could the question of another rationale come in when the State Constitution itself, which of course, on the face of it is entitled to the greatest weight and respect in the state apportionment system, required a population base? How could we use this shifting of the burden of the proof, assuming the position is in any way in that regard as a precedent, for the plaintiffs have an astonishing and remarkable theory of the shifting of the burden of proof in this case?

Here we have an entirely different rationale, population plus geography, community of interest and areas of concentration right throughout the statutes of our state, and I say they must prove that these are arbitrary and without any basis in reason, not that we must disprove it.

Now, I have given your Honors the statistics which show the fact that despite New York's apportionment system not [fol. 496] being geared entirely to population, even with the accommodation of other factors in the situation, there isn't this great disparity that the taking out of statistics

from one extreme to the other at different points in the decade which operate, the intervals between changes of apportionment.

These things don't show the real situation in New York, and I am sure that the Court fully realizes that.

I recall Mr. Sand saying something in his argument to the effect that—and here we enter upon a field which I have not wanted to enter upon: partisan politics, in a sense—but he made a remark that the party with the majority of the votes does not elect the majority of the Legislature. Well, of course, that is essentially question-begging. Even if we were off a population standard, assuming we were using the population standard—even if we were off by a fraction of a per cent, the argument would apply. In other words, it proves too much. Here is a Governor that is elected by a majority vote, and he is of the same political party as the majority of the Legislature.

This argument of the plaintiffs certainly I cannot see as having any relevance, any effect, any weight as addressed to what must be the very difficult question for the plain-
[fol. 497] tiffs to meet, of meeting their burden of proof.

It is beyond cavil, I should think, that even using just the 14 counties—and there are more urbanized counties than that; in their complaint your Honors will find that the plaintiffs themselves referred to the census statistics, and using the census formula of what constitutes an urbanized county, I want to underscore that when we limit ourselves to 10, to 14 counties, believe me we by no means hit the range of urbanized counties throughout the State of New York. The picture painted of rural versus urban counties, which might have had some application in 1894, is hardly from any fair point of view a real or rational picture today, itself. But the situation is such that the urban counties, limiting it even to 14, have an overwhelming majority, and the plaintiffs cannot show that they are harmed by the apportionment legislation of which they complain.

Now, much was suggested by Mr. Sand on the very interesting and intriguing subject of bicameralism. I confess that for the life of me I cannot follow an argument such as was made here, that it is all right for one house

to be geared to population only and all right for another [fol. 498] house to be geared to something else, which immediately opens the door to considering other factors, and then by a very neat little argumentative arrangement, by a little adroit presentation, suggesting what on its face sounds seemingly reasonable and plausible, that it is very nice to have one house one way and one the other; but one of the many difficulties with this interesting little theory, as I see it, is that the greatest model for the theory of bicameralism—our own United States legislature, the House of Representatives and Congress—I think it is beyond any peradventure of doubt that neither the House nor the Senate is on a strictly population basis. The Senate beyond argument and the states themselves use the very same basis that we use: have representative, regardless of population, for every single state in the United States.

Doesn't that belie the entire theory and claim of the plaintiffs? And how would we take into account, for instance—and it is true here in New York State, with counties as large as Connecticut, larger than Connecticut, Delaware and so forth, how would difficulties such as geography be handled if we did not have some way in which, fitting the entire pattern into one picture, taking all these factors [fol. 499] into consideration, we didn't take into some account such important factors, upon which I don't want to expand at any length, as geography?

I only want to supplement that by saying this: If indeed the suggestion Mr. Sand offers does not actually violate the federal model, and if it is rational to represent population only in one house and other factors only in the second, what is irrational, what is wrong, what is unreasonable, what is invidiously discriminatory about having a composite of those same factors in both houses?

I know today of no law, no case, no constitutional provision in the federal range, not in the state range; I know of no judicial authority for the proposition that there must be a bicameral arrangement, whereby one house is on factors other than population and the other simply on population. Certainly the Supreme Court has not said so in Baker v. Carr. No such suggestion appears. And as far as the Solicitor General is concerned, I think your Honors

disposed of that without any need of elaboration from me. Those are his remarks, and a little later on I may advert to other remarks of this proponent of the plaintiffs' theories to show that in fact his theories do not square entirely [fol. 500] with the plaintiffs' theories—even a staunch advocate of the Baker v. Carr decision.

Now, there has been some suggestion of analogy to the Fifteenth Amendment.

Judge Waterman: We understand that is out of this case. If we are wrong, we want to know. The Fifteenth Amendment is not involved here.

Mr. Galt: No.

Mr. Sand: Except there is an analogy upon which plaintiffs rely—only as an analogy.

Mr. Galt: I put it this way, your Honor, not to elaborate on it, not in any way to enter further into the discussion which your Honors had on that subject this morning, but I can understand that when an apportionment act, for example, would address itself directly to the arbitrary and unreasonable discrimination against a minority, that is one thing; but here what do they substitute in the way of their theory? They substitute the majority for, let us say, someone who would be impinged on by reason of violation of the Fifteenth Amendment. Here the offended party is what? This majority of urban counties. And that, of course, will not support the theories that they are urging.

Now, there are several other items that were mentioned [fol. 501] in the course of plaintiffs' argument. Much mention is made, for example, of the full-ratio rule and its application to the six counties. Well, of course, this does not mean that there is a design, a deliberate design carrying over from 1894 down to the present day, or what was never a design, to use another theory, in 1894, according to the Court's view of the situation and our view of the situation, has not become a design in 1962 simply by resting on what happened in 1894.

It is very obvious why the full-ratio rule for the Senate was adopted. At that time, in 1894, they had only two large concentrations of population that concerned them, as the remarks in the convention proceedings show, and that was Kings—then I guess the City of Brooklyn—and New York.

which at that time included a good portion of what is now the Bronx; and here were counties which, unless such a full-ratio rule or its equivalent—and I am not saying that New York's apportionment is the greatest system of apportionment that could have been devised for the state, but I say it is a very rational one and reasonable one in this respect—here were counties that were growing. Here is what created the concern. And they wanted to make the [fol. 502] provision, and here is where the second ratio comes in, and it is perfectly rational, perfectly reasonable for other counties growing but not growing at that rate, not with that densely concentrated population, counties larger in area in most instances if not all instances, to have some opportunity to have their growth reflected while the growth of New York and other counties are reflected.

[fol. 503] If in the operation of a full-ratio rule—and that was the only thing operative in 1894—of course the enlargement of the Senate was not involved in 1894; at that time the Senate consisted of only fifty. But the full-ratio rule at times may result, as Mr. Nickerson has complained of in the case of Nassau County, in falling short of a full ratio, some portion of the period, and thus, in the next period, perhaps not just then acquiring the additional Senator. But look at Suffolk, which is a very fast-growing county, 141 per cent. Now it will have three Senators. These things, in other words, balance off. They have a way of working out which is not in any sense invidious.

Now, they have said that the size of the Senate provision causes underrepresentation of urban areas. We have shown, I think beyond any possibility of doubt from the figures themselves, the plaintiffs' own statistics, that the urban minority is not a minority at all. It is a majority.

And here, from the plaintiffs' own statistics, we will see that the decrease of the Senate size as a result of the 1960 census, if and when a new apportionment is enacted—that would probably be in a year or more from now; I [fol. 504] don't know when that would be—when that would be done, four seats would be taken from New York and Kings County. They would each lose two Senate seats.

But where do these seats go? One seat goes nowhere at all, because the size of the Senate will be reduced from 58 to 57.

And one goes where? To an urban, an urbanized county, Monroe; and two go to Suffolk, one of the plaintiffs in this case, an urbanized county. The other simply evaporates.

Another thought that I think is very relevant to the entire consideration of this problem: when in 1894—and I refer to that largely because the plaintiffs have a second cause of action here predicated upon the alleged unfairness, the alleged constitutional infirmity of our own 1894 Constitution—but when in 1894 that Constitutional Convention completed its work, the people by a majority vote adopted that formula, which persists to the present day, and what has happened over the intervening decades—and I think that this has some bearing on the suggestion offered by Judge Ryan a few moments ago—in 1915 the question came in—there are various ways in which the question of [fol. 505] constitutional revision can and does come before the people of the State of New York.

One way—and we have elaborated on these in our briefs, beginning, I suppose at about page 7 or 8 or so; at page 8, I believe—one way is for the periodic twenty-year Constitutional Conventions, and another way is for the Legislature itself, regardless of the automatic provisions, the Legislature can present under certain circumstances constitutional changes which the people can enact.

After the people had adopted the 1894 provisions by a majority vote, not too many years after that, in 1915, they rejected proposals by their Constitutional Convention to amend the apportionment formula. The vote, as we have it at page 9 of our brief, was 891,000 and some odd to 371,000, and that happened again as recently as 1938.

Then the rejection was by a vote of practically one and a half million, to 848,000.

Judge Ryan: Was 1938 the last Convention?

Mr. Galt: I believe 1938.

Judge Ryan: When did the people vote last on whether or not to hold one?

Mr. Galt: 1957.

[fol. 506] Judge Waterman: They voted then not to hold one?

Mr. Galt: That is right. That was very recent. And we stress that in our brief because it is recent enough in the tide of events and contemporary events to recall that there was special stress placed by the then governor upon this very question of the possibility through the Convention of effecting a reapportionment.

In other words, reapportionment was squarely put as an issue in that regard, and yet the voters of New York refused to hold a convention.

I confess to your Honors that I do not presume to know the answer to one of the questions which was raised, and that is the question of what would happen assuming that a statute were passed which would contravene the present constitutional provisions. We don't know what would happen. That is a lot of dangerous ground to explore.

Mr. Sand cited the Maryland State Court opinion on the power of the Maryland Legislature to deal with this but I want to make it clear that the New York Court of Appeals, our state court, has not said anything about it, not anything that we know about, at any rate.

[fol. 507] Now, there were some exercises in what I term semantics—I hope that the Court does not think that I say this in any deprecatory sense about counsel's argument, but it could affect the meaning.

When this case was remanded—I am talking about the WMCA case now—to the United States Supreme Court, I take it that it is crystal clear, and I underscore the fact that there was no reversal, that it was a vacatur and a remand. The language which was stressed was that this Court should be free to consider the merits of the constitutional claim, free from any doubts as to its justiciability, and as to the merits of an alleged arbitrary and geographical invidious discrimination. I take it that there can be no possible construction that this represented—unless I misunderstood my friend's argument—that this represented a holding by the United States Supreme Court that on the merits as far as the plaintiffs' case is concerned, it had passed on the merits in favor of the plaintiffs.

I understand the case to be here for one thing and one thing only: for a full reconsideration in the light of Baker against Carr, and it is on that premise that we address ourselves to the Court.

I don't think that I need elaborate on incidental motions, [fol. 508] anything of that nature. We have in our answer raised the defense as to the status of the plaintiff WMCA. I do not propose to burden the Court with discussion or arguments in that regard.

I think that I may say this: These plaintiffs have utterly failed to establish a case. The burden is indubitably theirs, not ours, of establishing that New York's apportionment system is based on irrational factors which result in invidious discrimination—the only kind of discrimination within reach of the equal-protection clause.

[fol. 509] This they have utterly failed to do. Can one come in here armed with a sheet of statistics and say that "we tore these statistics out of some political scientist's textbook," or, "we prepared these statistics; there are disparities shown; we show you County X or Assembly District X over on the righthand corner of the state, and look at the disparity. This constitutes a case of invidious discrimination," according to their theory reduced to its simplest arithmetical terms.

The Court is being asked to accept an arithmetical base for a prima facie holding of invidious discrimination.

Isn't it obvious enough, and I think this exposes the entire weakness of the plaintiffs' case, isn't it obvious enough that they, knowing from the statutes, from the Constitution, from 68 years of successful operation of our apportionment system, and I say successfully—perhaps not perfectly but successfully—in the State of New York, giving the people good representative government, is this what is going to upset a system so geared?

They know these factors are in here; population is there, county lines, geography, community of interests are there, some degree of anti-concentration and not an unreasonable [fol. 510] degree, not a discriminatory degree in any real sense, could this possibly be overturned in a state like the State of New York by this kind of showing?

That is all that the plaintiffs' case consists of, a complaint and some statistics which in all probability except for the theories which underlie some of the statistics that were brought before the Court, the limitation to six counties—these things were within reach of the Court without having a word said by anyone in the argument.

I cannot believe—and I say this with the utmost sincerity—that this can possibly constitute a prima facie case or force us to have shifted to us the burden of proof to go forward to show that New York's apportionment is not irrational, is not invidiously discriminatory.

I say that on every factor that is present in the case and within reach of the Court in the case it seems incredible, utterly incredible to me that this could possibly be held to constitute even a prima facie case.

I go to the question of remedy not because I think it will ever be necessary for your Honors to reach that [fol. 511] point, but since it has been discussed and since I have no powers of prophesy, I take the liberty, if I may, of discussing it only very, very briefly.

It seems self-evident to me, and I think it will be just as evident to the Court, that a hasty reapportionment plan is bound to be a dangerous one. In any event, why tamper with the delicate machinery of apportionment under such hasty circumstances?

Here we have a primary date, September 6th. One need not be a political expert or political scientist or active in politics to know that right now petitions are being circulated, plans are being made, moneys are being expended.

On the other hand, they have a system which they propose as a stop-gap should this Court reach the question of weighting votes.

I can describe that—and this, again, is not meant to deprecate plaintiffs' argument in any way—I cannot describe it in any sense other than to say that it is silly. First of all, it assumes that arithmetic is the only answer, and nothing in Baker against Carr, so far as I can see—and I have reread it many times to find such a basis—would support any such assumption.

[fol. 512] What would be the effectiveness of a legislator who is merely one-eighth or one-fourth or one-third of a legislator? This concept in itself sounds silly.

An election at large, sort of a Russian roulette game, gives you a one-party legislature. I think that it is commendable candor on the part of plaintiffs' counsel for him to say he does not advocate a weighted-vote set-up for the legislature be used or even an election at large, the deficiencies of which are very well known to this Court.

Judge Ryan: You have it in the Board of Estimate, don't you? You have a weighted vote there.

Mr. Galt: I think we do. I don't want to be an expert on the Board of Estimate.

Judge Ryan: Mr. Gross, you were at one time an Alderman of our county. Don't they have a weighted vote there?

Mr. Gross: Yes.

Mr. Galt: For a state legislature even the plaintiffs themselves recognize the deficiency of these things which they recommend as stop-gaps.

When we come to the last proposition, the Court itself alluded to what Mr. Justice Stewart said the other day [fol. 513] about Michigan, granting a stay. If, perchance—and I honestly say to the Court that I cannot conceive of it happening—the Court should in any wise rule against us, a stay would prevent the operation of these hasty stopgap formulas which they suggest, even if this Court were to see fit to entertain such proposals.

None of these proposals—and there is no reason why the Legislature of the State of New York, even for a moment, should have to legislate without taking into account these very, very real problems posed by such things as population, geography and community interests—all of this, I think, shows that the New York constitutional formula was rational and even wise.

Speaking now, I would like separately to move to dismiss the second cause of action, if I may take them in inverse order. I don't think it is necessary to elaborate after all this Court has said or heard in the way of argument today, but I do wish to point out one thing, that the only operative rule or mandatory rule in the Senate at that time, for example, you had Kings and New York County with thirty-nine per cent of the population and

thirty-eight per cent of the Senate seats. This is de [fol. 514] minimis.

However, it would be possible to attack that constitutional formula as irrational, as invidiously discriminatory, as unconstitutional—and, of course, I need not say that from the standpoint of the equal-protection clause of the Federal Constitution, a state constitution is certainly entitled at the very least to a very, very great deal of respect.

I submit that not only the second cause of action should be dismissed but also the first. The New York apportionment system, whatever may be some of its operative difficulties here and there—there are such—whatever may be taken into consideration, we do have sixteen million people, there is a tremendous difference in the types of terrain, community interests, a tremendous development of counties these days, more and more in the direction of county development; when we have all of these things can it for a moment be doubted that this represents a consistent and rational plan? Can a case such as the one plaintiffs have put in here, dropping a few sheets of statistics on the desk together with a complaint which talks about things which prove to evaporate on inspection, urban communities grossly unrepresented; even on their theory that is not so. [fol. 515] With all of this I respectfully submit to the Court that the complaint is utterly lacking in merit. The plaintiffs' case is deficient in merit. There has not even been the semblance of an approach such as would have to be shown by these plaintiffs, showing of an invidiously discriminatory proportionment system operating within the State of New York.

I ask that the complaint be dismissed in its entirety.

Judge Waterman: Thank you, sir.

Westchester County?

ARGUMENT ON MOTION TO DISMISS THE ENTIRE COMPLAINT BY MR. LIBENSON ON BEHALF OF WESTCHESTER COUNTY

Mr. Libenson: I don't think I can add anything to the argument made by the Assistant Solicitor General other than to join in his motions so far as Leonard Berman, chairman of the board of supervisors, is concerned.

Judge Waterman: Suffolk County?

ARGUMENT ON MOTION TO DISMISS THE ENTIRE COMPLAINT BY MR. CORWIN ON BEHALF OF SUFFOLK COUNTY

Mr. Corwin: I am sure the Court will recognize that the Attorney General's reference to Suffolk County as being with the plaintiffs was inadvertent. We are one of the defendants still acting like one, and we too join in his motions and adopt his argument.

Judge Waterman: That frequently happens and we make the proper juxtaposition in our own minds.

[fol. 516] Mr. Galt: I should explain myself, if I may. I did not mean Suffolk County is ranged against us in the trial of this case. But there is one of the plaintiffs who is alleged to be and I believe is a citizen and voter from Suffolk County.

Judge Waterman: Do you wish to say anything in rebuttal?

REBUTTAL ARGUMENT BY MR. SAND

Mr. Sand: Very, very briefly, and only with respect to the significance in this case of the stay granted by Mr. Justice Stewart.

That was in a case in which there was challenged the apportionment of one house of a two-house legislature in a state in which there is initiative and referendum.

We said to the Supreme Court in our jurisdiction statement, and we say to this Court, that the issues presented in that case are very different, and that case is much different from this case, and one cannot reason from the fact that a stay was there granted, that that can be or should be done in this case.

Judge Waterman: Well, have we received all of the exhibits that have been introduced?

Mr. Sand: I think so, your Honor.

Judge Waterman: You mentioned earlier this morning something about more briefs from you. That was your [fol. 517] position at that time. Do you still wish to file more briefs?

Mr. Galt: Yes, especially in view of the turn in the case. We had expected an entirely different procedure, but even then we had planned to submit additional memoranda. We

promise not to overburden the Court with material which would be cumulative.

We will try our best to supply you with such details as may be useful to the Court.

The Court: We recognize the urgency of this case. What time do you think you want?

Mr. Galt: If your Honors please, I would suggest one week. We feel we can complete everything we have to put into that brief in one week, one week from today, with your Honors' permission.

Judge Waterman: If we grant him permission to put in anything, Mr. Sand, how much time do you want?

Mr. Sand: We will file a brief only if the State will file a brief. Otherwise we will rest on our present briefs. Certainly within a week. We would much rather that the Court read this large volume than our briefs. We make no independent or affirmative application for leave to file briefs. If such leave is granted to the State, we will file [fol. 518] whatever additional briefs within a week.

Judge Lévet: That is a rather iffy statement. I don't understand it.

Judge Waterman: Assuming we give him X time, how much X time do you want to file a reply brief?

Mr. Sand: Three days will be enough. But our position is that the case is fully submitted.

Judge Waterman: Yes, I know.

We are in doubt up here as to why we need any more briefs.

Judge Ryan: I think you prepared a splendid brief. I think all the parties have prepared splendid briefs. The arguments have been very able, very full, very helpful. There is a limit, you know, on judicial endurance in reading papers.

Mr. Sand: I will not file another brief, then.

Mr. Galt: We will file no brief under those circumstances. We accept the suggestion by the Court that it may be unnecessary.

Submission of Case and Reserving of Ruling on Motions to Dismiss

Judge Waterman: We will take the entire case under consideration and all the motions to dismiss we will, of course, not rule on now. We will reserve on those.

Needless to say, we are reserving judgment on the merits. We will do our best to comply with what we know is an [fol. 519] urgent matter.

We thank you for your courteous presentation and we thank you for a wealth of material that you have given us. We also thank you for your general enlightenment of us.

(Adjourned.)

Reporter's Certificate to foregoing transcript (omitted in printing).

[fol. 520] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

61 Civ 1559

WMCA, INC., R. PETER STRAUS, JOSEPH DE MAIO, EDWARD LIND, S. THOMAS DELANEY, EDWARD C. BROWN, JAMES J. MCCAFFERTY, Plaintiffs,

—against—

CAROLINE K. SIMON, Secretary of State of the State of New York, LOUIS J. LEFKOWITZ, Attorney General of the State of New York, PAUL R. SCREVANE, President of the City Council of the City of New York, EUGENE H. NICKERSON, County Executive, Nassau County, LEONARD BERMAN, Chairman, Board of Supervisors, Westchester County, WILLIAM J. LEONARD, Chairman, Board of Supervisors, Suffolk County, DENIS J. MAHON, JAMES POWER, JOHN R. CREWS, THOMAS MALLEE, Commissioners, Board of Elections, New York City, Defendants.

STIPULATION THAT CERTAIN DATA IS ACCURATE AND IS PROPERLY BEFORE THE COURT—Filed August 1, 1962

It Is Hereby Stipulated and Agreed by and between the undersigned, attorneys for the parties herein, that the following data is accurate and is properly before the Court. Each party, however, reserves the right to object to the relevance or materiality of this data or of any part thereof.

New York State Citizen Population by County and by Legislative District.

County	Citizen Population 1950 Census	1953 Apportionment No. of Senators	No. of Assemblymen	Citizen Population 1960 Census
Albany	234,068	1	2	269,088
Bronx	1,378,181	4	12	1,368,207
Broome	181,496	1	2	209,597
Erie	878,502	3	8	1,039,648
Kings	2,595,187	9	22	2,518,510
Monroe	475,037	2	4	571,029
Nassau	655,690	3	6	1,275,801
New York	1,795,726	6	16	1,584,069
Niagara	184,161	1	2	235,677
Oneida	216,486	1	2	259,330
Onondaga	334,453	2	3	414,770
Queens	1,484,214	5	13	1,733,081
Richmond	185,032	1	2	216,764
Suffolk	261,003	1	3	650,112
Westchester	601,682	3	6	782,179
Orange	148,429			179,873
Rockland	86,123	1	3	131,834
Delaware	43,863			43,237
Greene	28,082			30,931
Sullivan	39,359			44,434
Ulster	90,350	1	4	116,818

I (con't)

County	Citizen Population 1950 Census	1953 Apportionment No. of Senators	No. of Assemblymen	Citizen Population 1960 Census
Columbia	42,111			46,734
Dutchess	131,969			171,395
Putnam	19,668	1	3	31,006
Rensselaer	129,995			140,933
Washington	46,353	1	2	48,135
Schenectady	139,304			150,688
Schoharie	22,218	1	2	22,410
Essex	34,542			34,987
Saratoga	73,447			88,134
Warren	38,677	1	3	43,594
Clinton	52,443			71,389
Franklin	43,919			43,915
St. Lawrence	96,517	1	3	109,082
Fulton	50,135			50,847
Hamilton	4,055			4,220
Herkimer	59,693			65,218
Montgomery	57,610	1	3	56,287
Jefferson	83,539			86,606
Lewis	22,187			23,064
Oswego	75,935	1	3	85,356
Chenango	38,741			42,979
Cortland	36,786			40,685
Madison	45,624			54,262
Otsego	50,089	1	4	51,588
Cayuga	69,037			73,240
Tioga	29,826			37,610
Tompkins	57,853	1	3	64,227
Chemung	85,989			97,891
Steuben	90,761	1	2	97,176

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[fol. 523]

I (con't).

County	Citizen Population 1950 Census	1953 Apportionment No. of Senators	No. of Assemblymen	Citizen Population 1960 Census
Ontario	59,269			67,410
Schuyler	14,066			14,974
Seneca	28,254			31,235
Wayne	56,662			67,344
Yates	17,461	1	5	18,552
Allegany	43,475			43,759
Genesee	46,690			53,416
Livingston	39,692			43,690
Orleans	29,306			33,845
Wyoming	32,275	1	5	34,534
Cattaraugus	76,993			79,548
Chautauqua	133,159	1	2	143,832

Total number of Counties - 62

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II

THE VOTES CAST FOR STATE SENATOR BY COUNTY

County	1952	1954	1956	1958	1960
Albany	153,917	140,932	153,471	140,832	154,761
Allegany	20,579	15,929	19,900	15,516	19,890
Bronx	657,953	455,675	611,456	462,081	584,655
Broome	91,194	61,274	90,986	74,996	95,740
Cattaraugus	36,505	27,600	35,196	28,287	36,713
Cayuga	37,258	28,575	37,180	31,770	38,319
Chautauqua	66,141	46,849	65,039	51,360	66,556
Chemung	44,413	33,369	45,297	38,018	44,708
Chenango	20,376	16,209	20,339	16,746	20,402
Clinton	22,965	18,148	23,430	19,686	25,286
Columbia	23,940	19,555	24,307	20,498	24,940
Cortland	18,275	12,88-	17,888	13,728	18,369
Delaware	22,728	17,994	22,278	18,518	22,196
Dutchess	65,849	50,336	69,532	57,337	76,846
Erie	454,991	340,516	463,882	385,729	493,578
Essex	17,152	13,515	17,125	14,411	18,091
Franklin	19,082	13,545	18,470	15,492	19,580
Fulton	26,063	19,101	24,878	20,653	25,065
Genesee	23,682	18,287	23,885	18,560	25,247
Greene	17,636	15,328	18,296	16,189	18,619

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County	1952	1954	1956	1958	1960
Hamilton	3,191	2,569	3,116	2,860	2,983
Herkimer	33,010	24,761	31,402	25,317	33,246
Jefferson	40,360	27,077	38,792	30,190	40,511
Kings	1,140,416	745,166	1,034,086	756,589	993,388
Lewis	10,707	8,098	10,437	9,145	10,825
Livingston	20,958	16,830	20,767	17,307	21,671
Madison	23,349	17,895	23,700	19,951	24,937
Monroe	273,679	213,953	278,656	237,936	292,480
Montgomery	33,007	26,475	31,000	25,882	31,176
Nassau	441,928	366,012	543,347	482,633	592,460
New York	779,527	520,721	692,151	502,173	648,785
Niagara	92,390	66,099	93,477	75,481	102,857
Oneida	115,597	93,071	116,187	98,637	124,413
Onondaga	185,807	144,845	189,931	171,886	200,208
Ontario	30,763	22,396	30,344	25,073	32,119
Orange	72,694	54,984	75,312	61,114	80,879
Orleans	15,739	12,691	15,534	12,721	16,052
Oswego	39,484	30,380	38,598	30,697	40,056
Otsego	26,644	21,257	25,480	21,312	25,635
Putnam	16,360	13,627	17,834	16,321	20,093
Queens	798,283	528,658	798,683	604,355	826,846
Rensselaer	77,885	68,530	76,364	67,619	76,909

SLS

II (con't)

County	1952	1954	1956	1958	1960
Richmond	85,551	58,244	84,802	67,969	90,108
Rockland	43,395	34,365	48,395	45,106	60,933
St. Lawrence	41,708	30,228	43,464	34,329	45,920
Saratoga	41,585	33,549	42,266	36,012	43,652
Schenectady	82,562	61,660	80,991	68,503	77,900
Schoharie	12,661	10,587	12,195	11,222	12,144
Schuyler	7,498	5,806	7,526	6,316	7,619
Seneca	14,170	11,264	14,216	12,359	14,584
Steuben	43,847	31,574	43,751	34,159	43,895
Suffolk	156,687	132,636	218,414	205,917	283,642
Sullivan	23,971	20,394	25,217	22,294	25,597
Tioga	15,232	10,889	15,287	12,457	17,565
Tompkins	25,283	17,451	25,520	21,220	25,929
Ulster	52,677	43,396	56,982	49,487	60,220
Warren	22,358	17,136	21,954	17,814	21,971
Washington	24,059	18,976	23,499	19,089	23,610
Wayne	28,858	21,669	29,135	24,167	31,012
Westchester	355,358	270,102	380,277	318,062	399,835
Wyoming	16,357	12,652	16,029	13,593	16,439
Yates	9,784	6,828	9,555	7,827	9,404

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[fol. 527]

III

APPORTIONMENTS OF SENATE DISTRICTS UNDER 1894 CONSTITUTION

	1894	1907	1917	1943	1953
Largest District	156,748	202,650	194,470	300,938[1]	344,545[2]
Smallest District	86,507	106,103	115,575	129,666	146,666

1. Queens had a citizen population of 1,203,752 and was given four seats, making a citizen population of 300,938 per seat.

2. Bronx had a citizen population of 1,378,181 and was given four seats, making a citizen population of 344,545 per seat.

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IV [fol. 528]

The following apportionment would result if the New York State Legislature reapportioned the Senate under the present constitutional formula, on the basis of 1960 Census statistics.

County	Citizen Population	Senators	Citizen population per Senator
Bronx	1,368,207	4	342,052
Erie	1,039,648	3	346,549
Kings	2,518,510	7	359,787
Nassau	1,275,801	3	425,267
New York	1,584,069	4	396,017
Queens	1,733,081	5	346,616
		On basis of second ratio	
Albany	269,088	1	269,088
Monroe	571,029	3	190,343
Niagara	235,677	1	235,677
Oneida	259,330	1	259,330
Onondaga	414,770	2	207,385
Suffolk	650,112	3	216,704
Westchester	782,179	3	260,726
All other counties	3,539,285	17	208,193
Entire State	16,240,786	57	284,926

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Apportionment year	Census year	Number of counties having assembly ratios equal to: Less than one	From 1 to 1½	From 1½ to 2	Two or more	Total
*	1960	38	6	3	14	61
1953	1950	40	5	4	12	61
1943	1940	38	7	4	12	61
1917	1915	31	8	10	12	61
1907	1905	29	12	8	11	60
1894	1892	21	15	9	14	59

* This is a projected apportionment, based upon 1960 Census figures and the present constitutional formula. No such apportionment has yet been carried out.

VI [fol. 530]

AVERAGE 1950 CENSUS POPULATION IN EACH ASSEMBLY DISTRICT

County	Total Number of Senate Districts	Total Number of Assembly Districts	Number of Senate Districts	Number of Assembly Districts in Each Senate District	1950 Citizen Population in Each Assembly District Average
Bronx	4	12	4	3	114,848
Erie	3	8	-	-	109,813
			2	3	97,612
			1	2	146,416
Kings	9	22	-	-	117,963
			4	3	96,119
			5	2	144,176
Monroe	2	4	2	2	118,759
Nassau	3	6	3	2	109,282
New York	6	16	-	-	112,233
			4	3	99,763
			2	2	149,643
Onondaga	2	3	-	-	111,484
			1	2	83,613½
			1	1	167,226
Queens	5	13	-	-	114,170
			3	3	99,018
			2	2	148,264
Westchester	3	6	3	2	100,280

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[fol. 531]

VII

The following apportionment would result if the New York State Legislature reapportioned Senate and Assembly Districts under the present constitutional formula, on the basis of 1960 Census statistics.

County	Total Number of Senate Districts	Total Number of Assembly Districts	Number of Senate Districts	Number of Assembly Districts in Each Senate District	Approximate 1960 Population in Each Assembly District
Bronx	4	10	-	-	136,821
			2	3	114,017
			2	2	171,026
Erie	3	8	-	-	129,956
			2	3	115,516
			1	2	173,275
Kings	7	19	-	-	132,553
			5	3	119,929
			2	2	179,894
Monroe	3	5	-	-	114,206
			2	2	95,172
			1	1	190,343
Nassau	3	10	-	-	127,580
			2	3	141,756
			1	4	106,317
New York	4	12	4	3	132,006
Onondaga	2	4	2	2	103,693
Queens	5	13	-	-	133,314
			3	3	115,539
			2	2	173,308
Suffolk	3	5	-	-	130,022
			2	2	108,352
			1	1	216,704
Westchester	3	6	3	2	130,363

The following apportionment would result if the New York State Legislature reapportioned the Assembly under the present constitutional formula, on the basis of the 1960 census statistics.

County	1960 Citizen Population in Each Assembly District
Schuyler	14,974
Yates	18,552
Schoharie	22,410
Lewis	23,064
Greene	30,931
Putnam	31,006
Seneca	31,235
Orleans	33,845
Wyoming	34,534
Essex	34,987
Tioga	37,610
Cortland	40,685
Chenango	42,979
Delaware	43,237
Warren	43,594
Livingston	43,690
Allegany	43,759
Franklin	43,915
Sullivan	44,434
Columbia	46,734
Washington	48,135
Otsego	51,588
Genesee	53,416
Madison	54,262
Fulton & Hamilton	55,067
Montgomery	56,287
Tompkins	64,227
Herkimer	65,218
Wayne	67,344
Ontario	67,410

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VIII (con't) [fol. 533]

County		1960 Citizen Population in Each Assembly District
Clinton		71,389
Cayuga		73,240
Cattaraugus		79,548
Oswego		85,356
Dutchess (2 districts)	Approx.	85,698
Jefferson		86,606
Saratoga		88,134
Orange (2 districts)	Approx.	89,937
Monroe (4 districts)	Approx.	95,172*
Steuben		97,176
Chemung		97,891
Onondaga (4 districts)	Approx.	103,693
Broome (2 districts)	Approx.	104,799
Nassau (4 districts)	Approx.	106,317*
*********NEW YORK STATE AVERAGE		108,272
Suffolk (4 districts)	Approx.	108,352*
Richmond (2 districts)	Approx.	108,382
St. Lawrence		109,082
Bronx (6 districts)	Approx.	114,017*
Erie (6 districts)	Approx.	115,516*
Queens (9 districts)	Approx.	115,539*
Ulster		116,818
Niagara (2 districts)	Approx.	117,839
Kings (15 districts)	Approx.	119,929*
Oneida (2 districts)	Approx.	129,665
Westchester (6 districts)	Approx.	130,363
Rockland		131,834
New York (12 districts)	Approx.	132,006
Albany (2 districts)	Approx.	134,544
Rensselaer		140,933
Nassau (6 districts)	Approx.	141,756*

VIII (con't) [fol. 534]

County			1960 Citizen Population in Each Assembly District
Chautauqua			143,832
Schenectady			150,688
Bronx	(4 districts)	Approx.	171,026*
Erie	(2 districts)	Approx.	173,275*
Queens	(4 districts)	Approx.	173,308*
Kings	(4 districts)	Approx.	179,894*
Monroe	(1 district)	Approx.	190,343*
Suffolk	(1 district)	Approx.	216,704*

* Assembly districts distributed among senatorial districts in conformity with the requirement: "In counties having more than one senate district, the same number of assembly districts shall be put in each senate district, unless the assembly districts cannot be evenly divided among the senate districts in any county, in which case one more assembly district shall be put in the senate district in such county having the largest, or one less assembly district shall be put in the senate district in such county having the smallest number of inhabitants." N.Y. Const., Art. III, § 5, Para. 4 (1894). The population in districts in the multi-member counties may vary due to the rule precluding the division of towns and blocks.

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[fol. 535] IX

Basic Statistics for Counties and Metropolitan Areas of New York State—1962

(This material is found in Research Bulletin No. 4, annexed hereto and made part hereof, published in June, 1962, by the New York State Department of Commerce).

X

United States Census of Population
1960

New York—No. of inhabitants

United States Department of Commerce

Bureau of the Census

(This material is found in Exhibit "5" of the complaint, and is deemed part of this stipulation).

[fol. 536] XI

State of New York

State Aid to Local Government

Department of Audit and Control

Division of Municipal Affairs

Bureau of Statistic Services

September, 1961

State of New York, 1961 Annual Report of the Comptroller; State of New York, 1962 Digest of Annual Report of the Comptroller; and any other similar documents handed up to the Court herewith.

Leonard B. Sand, Attorney for Plaintiffs.

Leo A. Larkin, Attorney for defendants *Screvane, Mahon, Power, Crews,* and *Mallee.*

Bertram Harnett, Attorney for the defendant *Nickerson.*

Francis J. Morgan, Attorney for the defendant *Berman.*

George W. Percy, Jr., Attorney for the defendant *Leonard.*

Louis J. Lefkowitz, Attorney General of the State of New York, *Attorney pro se* and *for defendant Simon.*

TABLE I

SENATE-SEAT REMAINDERS IN ALL COUNTIES HAVING THREE OR MORE FULL RATIOS[a]

	1892	1905	1915	1925	1930	1940	1950	1960
NEW YORK CITY	92,444	153,874	182,839	373,618	558,945	515,837	435,652	707,547
Bronx	------	-------	9,564	146,914	177,803	1,134	241,905	68,943
Kings	58,264	48,702	151,701	58,148	161,306	175,241	38,566	244,798
New York	34,180	105,172	21,574	103,599	142,421	127,818	91,312	284,805
Queens	------	-------	-------	64,957	77,415	211,644	63,869	109,001
REMAINDER OF STATE	------	14,797	23,413	57,265	40,988	20,992	26,295	366,553
Erie	------	14,797	23,413	57,265	40,988	20,992	26,295	65,200
Nassau	------	-------	-------	-------	-------	-------	-------	301,353
CONSTITUTIONAL RATIO FOR APPORTIONING SENATORS*	115,817	141,260	161,190	193,356	221,811	248,027	284,069	324,816

a. Computed on basis of citizen population 1892-1950. LEGISLATIVE DOCUMENT (1950) NO. 31 at 77-91; LEGISLATIVE DOCUMENT (1953) NO. 98 at 14A-14B and 1960 citizen census figures supplied by the United States Bureau of the Census.

* The New York Constitution provides that the ratio for apportioning Senators shall be obtain by dividing the State's total citiz population by fifty. Consequently, a county that has three full ratios has six percent of the State's citizen population.

TABLE II.

SENATE RATIOS AND AVERAGES*

Year	Counties	Citizen Population	÷	Number of Senators	=	Population Per Senator
*1960	Six largest counties	9,519,316		26		366,128
	All other counties	6,721,470		31		216,822[a]
	Entire State	16,240,786		57		284,926
	Constitutional ratio	16,240,786		50		324,816[b]
1953	Five largest counties	8,131,810		27		301,178
	All other counties	6,071,639		31		195,859[a]
	Entire State	14,203,449		58		244,887
	Constitutional ratio	14,203,449		50		284,069[b]
1943	Five largest counties	7,233,558		27		267,910
	All other counties	5,167,771		29		178,199[a]
	Entire State	12,401,329		56		221,452
	Constitutional ratio	12,401,329		50		248,027[b]
1917	Four largest counties	3,913,622		23		170,157
	All other counties	4,145,893		28		148,068[a]
	Entire State	8,059,515		51		158,030
	Constitutional ratio	8,059,515		50		161,190[b]
1907	Three largest counties	3,417,651		23		148,594
	All other counties	3,645,337		28		130,191[a]
	Entire State	7,062,988		51		138,490
	Constitutional ratio	7,062,988		50		141,260[b]
1894	Two largest counties	2,292,967		19		120,682
	All other counties	3,497,898		31		112,835[a]
	Entire State	5,790,865		50		115,817[b]

*a = second ratio; b = first ratio. 1894-1953, computed from statistics published in LEGISLATIVE DOCUMENT (1950) NO. 31 at 77-91; LEGISLATIVE DOCUMENT (1953) NO. 98 at 14A-14B; and data on 1960 citizen population supplied by United States Bureau of the Census.

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TABLE III

SENATE DISTRICTS UNDER CONSTITUTION OF 1894

Explanation	Citizen Population Per Seat[a]							
	1894	1906[b]	1907	1917[c]	1935[d]	1943	1953	1960*
Largest District	156,748	246,187	202,650	194,470	272,614	300,938[e]	344,545[f]	425,267*
Smallest District	86,507	97,717	106,103	115,575	141,631	129,666	146,666	166,715*
Difference[g]	70,241	148,470	96,547	78,895	130,983	171,272	197,879	258,552*
Average[h]	115,817	138,489	138,489	158,030	213,280	221,452	244,887	284,926*
Percent of Variation[i]	60.6	107.2	69.7	49.9	61.4	77.3	80.8	90.7*

a. Tabulated from statistics published in LEGISLATIVE DOCUMENT (1950) NO. 31 at 77-91; LEGISLATIVE DOCUMENT (1953) NO. 98 at 14A-14B; and data on 1960 citizen population supplied by the United States Bureau of Census.

b. Held invalid as was the Act of 1916 for reasons relating to districting rather than to apportionment.

c. Also Act of 1916, which was held invalid. See b, supra.

d. Proposed but not passed.

e. Queens had a citizen population of 1,203,752 and was given four seats, making a citizen population of 300,938 per seat.

f. Bronx had a citizen population of 1,378,181 and was given four seats, making a citizen population of 344,545 per seat.

g. The smallest district subtracted from the largest district.

h. State's total citizen population divided by number of Senators.

i. The difference divided by the average.

* No apportionment Act yet passed.

[fol. 540]

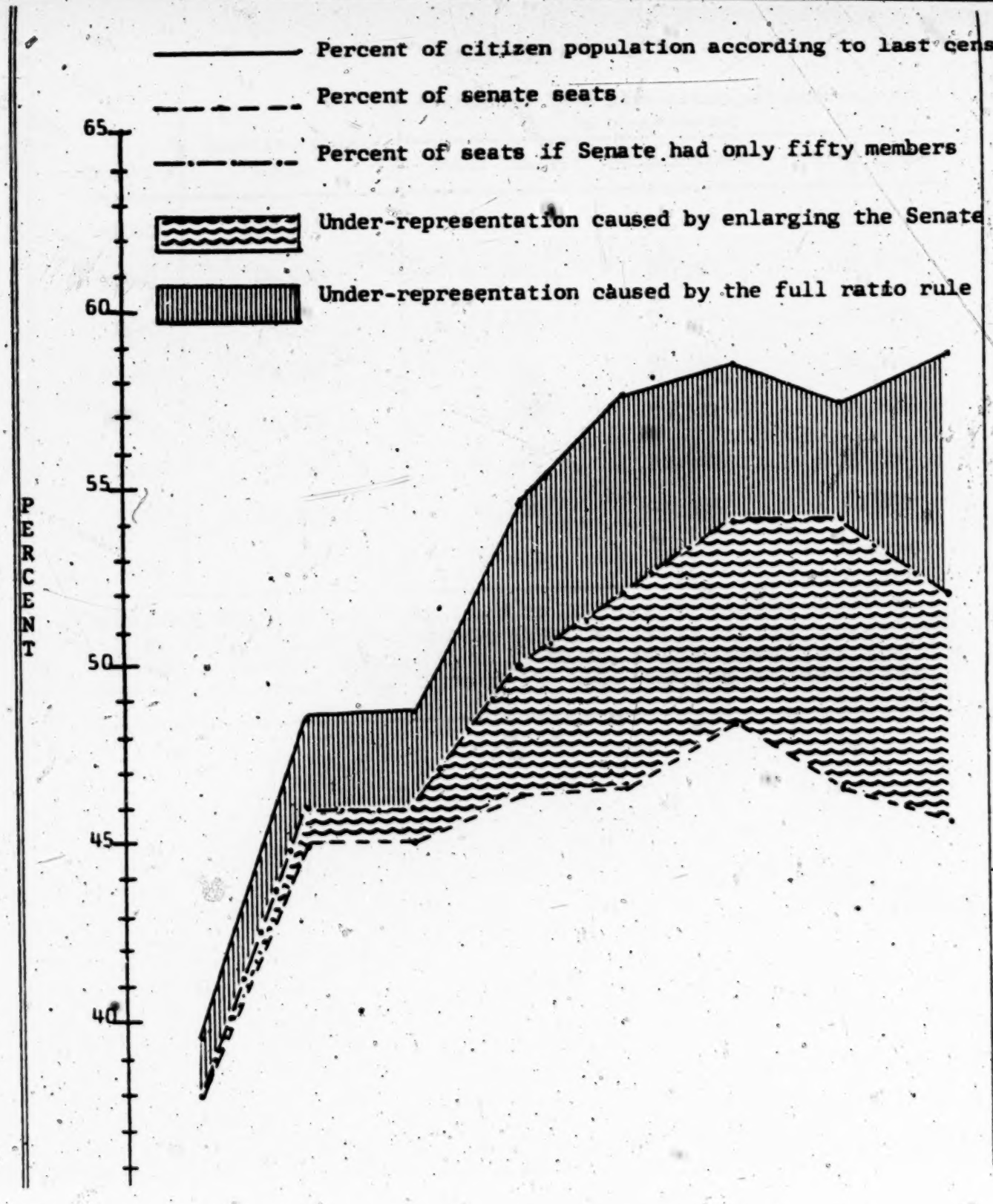
PLAINTIFF'S EXHIBIT 4

5-40

TABLE IV

Apportionment	Percentage of citizen population and Senators in counties having*			
	Three or more ratios		Less than three ratios	
	Population	Senators	Population	Senators
*1960	58.6	45.6	41.4	54.4
1953	57.3	46.6	42.7	53.4
1943	58.3	48.2	41.7	51.8
*1935	57.4	50.0	42.6	50.0
1917	48.6	45.1	51.4	54.9
1907	48.4	45.1	51.6	54.9
1894	39.6	38.0	60.4	62.0

*All computations were made on the basis of citizen population statistics published in LEGISLATIVE DOCUMENT (1950) NO. 31 at 77-91; LEGISLATIVE DOCUMENT (1953) NO. 98 at 14A-14B; and data on 1960 citizen population supplied by the U. S. Bureau of the Census. The 1935 reapportionment was proposed but not passed.



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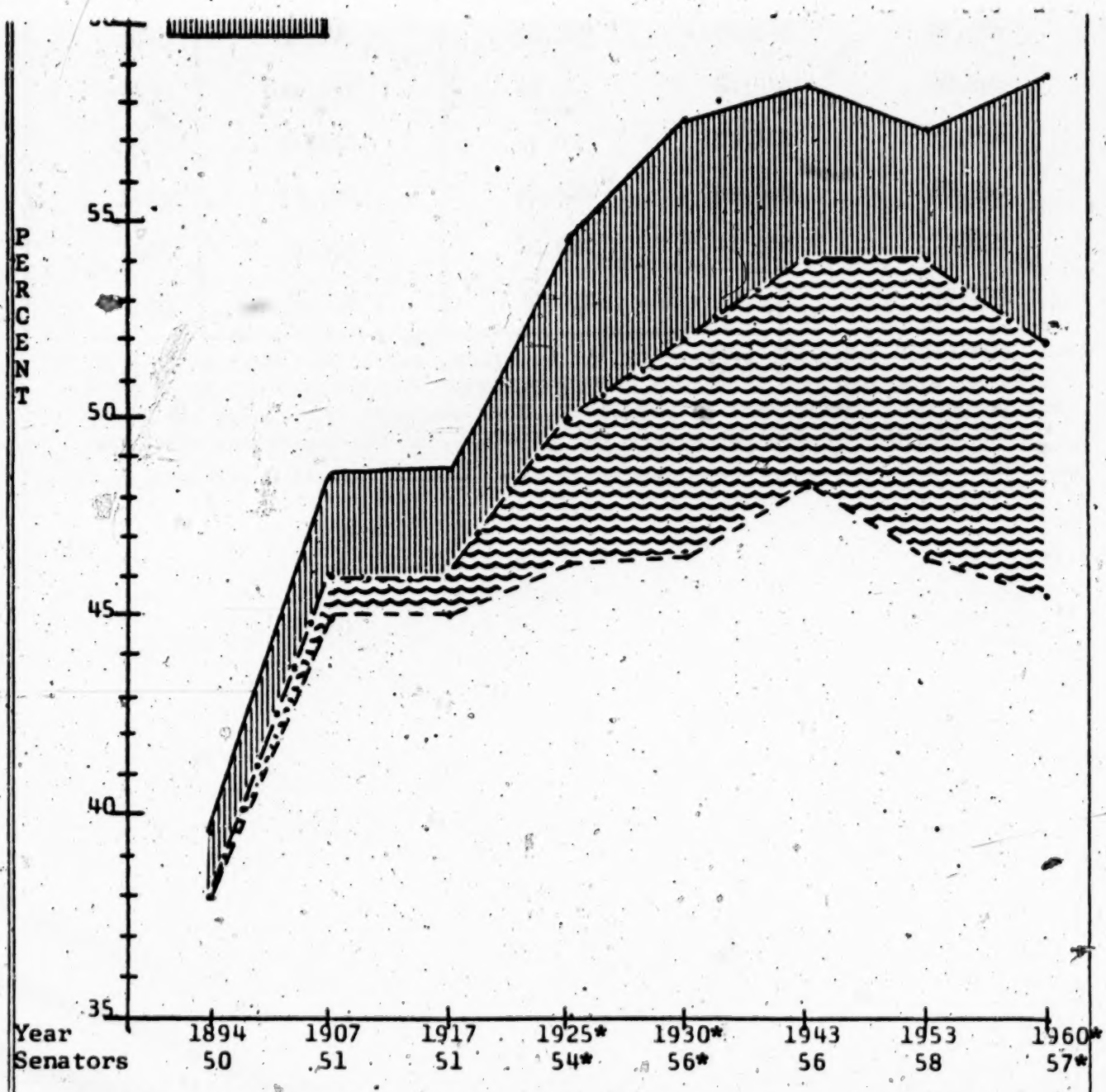
PLAINS



*No reapportionment act passed. Apportioned on the basis of the census in conformity with In re Fay, 291 N.Y. 198 (1943). Citizen population used in all cases.

**Counties having three or more full senate ratios (i.e. 6% or more of the State's citizen population): Kings, New York (including Bronx) since 1894; Erie since 1905; Queens since 1925; and Nassau since 1960.

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PLAINTIFF'S EXHIBIT 5

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TABLE VIII*

Census	Constitutional Ratio	Average citizen population per Assemblyman in counties of		
		First Class	Second Class	Third Class
*1960	108,272	62,765	93,478	129,183
1950	94,690	57,648	87,390	112,477
1940	82,676	52,187	76,046	97,366
*1930	73,937	45,383	64,544	88,606
*1925	64,452	45,677	59,502	73,884
1915	53,730	41,424	44,660	60,998
1909	47,087	41,602	40,385	50,657
1892	38,606	36,010	32,452	40,733

*Computed from statistics published in LEGISLATIVE DOCUMENT (1942) No. 59 at 32-33; LEGISLATIVE DOCUMENT (1953) NO. 98 at 14; and data on 1960 citizen population supplied by U. S. Bureau of the Census. No apportionment act was passed on the basis of the census of 1925 or 1930 or 1960.

TABLE X

Census	Percent of citizen inhabitants and of assembly seats in counties of the					
	First Class		Second Class		Third Class	
	Population	Seats	Population	Seats	Population	Seats
*1960	17.0	29.3	3.5	4.0	79.5	66.7
1950	18.3	30.0	4.9	5.3	76.8	64.7
1940	18.9	30.0	4.9	5.3	76.2	64.7
*1930	17.2	28.0	9.3	10.7	73.5	61.3
*1925	19.8	28.0	9.9	10.7	70.3	61.3
1915	20.0	26.0	11.1	13.3	68.9	60.7
1905	24.2	27.3	9.1	10.7	66.7	62.0
1892	22.4	24.0	10.1	12.0	67.5	64.0

*See note at end of Table VIII supra.

[fol. 544]

IN UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF NEW YORK

PLAINTIFF'S EXHIBIT 8

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

No. 61 Civ. 1559

WMCA, INC.; R. PETER STRAUS; JOSEPH DE MAIO; EDWARD LIND; S. THOMAS DELANEY; EDWARD C. BROWN; JAMES J. MCCAFFERTY, Plaintiffs,

—against—

CAROLINE K. SIMON, Secretary of State of the State of New York, LOUIS J. LEFKOWITZ, Attorney General of the State of New York, PAUL R. SCREVANE, President of the City Council of the City of New York; EUGENE H. NICKERSON, Chairman, Board of Supervisors, Nassau County; LEONARD BERMAN, Chairman, Board of Supervisors, Westchester County; WILLIAM J. LEONARD, Chairman, Board of Supervisors, Suffolk County, DENIS J. MAHON, JAMES POWERS, JOHN R. CREWS, THOMAS MALLEE, Commissioners, Board of Elections, New York City, Defendants.

AFFIDAVIT

STATE OF NEW YORK,
COUNTY OF NEW YORK, *ss.*:

R. PETER STRAUS, being duly sworn, deposes and says:

1. I am a plaintiff in this action and reside at 101 Central Park West in the City, County and State of New York. I am a qualified and registered voter in said City, County and State. I am also President of WMCA, Inc., a New York corporation which has its principal place of business in the City, County and State of New York. I submit this affidavit

in both my individual capacity and as an officer of WMCA, Inc. which is also a plaintiff herein. This affidavit is submitted as an appendix to the plaintiffs' opening brief.

2. The complaint alleges that a gross malapportionment of the New York State Legislature exists as between the rural and urban areas of the State. In the affidavit of Professor Ruth C. Silva, which is also being submitted at this time, it is shown that such malapportionment in fact exists. In this affidavit it will be shown that under-repre- [fol. 545] sentation of urban areas, specifically of New York City, has resulted in a consistent pattern of legislative action injurious to that City, those who live in it and those businesses which conduct their operations in that City. The statements contained herein are made on my best information and belief.

3. Historically, discrimination against New York City by the Legislature has taken many forms. But nowhere is the pattern more vividly displayed than in the distribution of "State Aid to Local Government." This aid accounts for more than half the annual budget of the State. In the last fiscal year (1961-62) State Aid amounted to $1,245,000,000.00.[1] The money is distributed under more than 70 individual aid programs, ranging from public schools (1961 budget: $769 million) to Control of Rabies in Wild Life (1961 budget: $21 thousand).[2] For each program the Legislature prescribes a particular formula under which the total appropriation is shared among the local governments. These formulas are often very complex. Taken together, they reveal only one consistent theme: in each case the particular principles underlying the allocation of funds tend to be those which produce the smallest yield for New York City.

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[1] Digest of 1962 Annual Report of the Comptroller, State of New York, pp. 6, 7, 10.

[2] State Aid to Local Government. Department of Audit and Control, Division of Municipal Affairs, Bureau of Statistical Services, State of New York, September, 1961. pp. ii, 82. 1962 Annual Report of the Comptroller, State of New York. Local Assistance from State Appropriations distributed to Localities, Section 4, Exhibit C.

4. In 1961-62, State Aid to New York City under all programs combined amounted to $470 million.[3] This was 38 percent of the grand total. Since New York City's share of the State's population is 46 percent,[4] it is obvious that, man for man, the people of New York City share far less [fol. 546] in the annual bounty of the State than do their country cousins. Were New York City to receive State Aid in proportion to its population, its share last year would have been 108 million dollars greater than it was.

5. I do not suggest that the Legislature, in order to be fair, must match dollars precisely with people in the regional distribution of aid. Certainly the degree of need of the people of this State is not everywhere the same. But are the needy, the underprivileged, the deserving of aid so much more abundant Upstate as to justify the relatively meagre portion of the total aid budget committed to the people of New York City? Are the community services required by the people of New York City smaller proportionally than those required of communities Upstate? This would be very hard to prove. It is even more so if we examine the aid programs individually.

6. By far the greatest part of the entire State Aid budget is spent on public schools. In 1961-62 the total aid under this program alone came to 769 million dollars,[5] or 62 percent of *all* State Aid. New York City's share of this 769 million dollars for schools was 196 million,[6] or 25 percent.

7. Was this 25 percent share of State Aid for schools fair to New York City? Certainly the figure is a far cry from the City's *46* percent share of the total population of

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[3] Digest of 1962 Annual Report of the Comptroller, p. 6.

[4] United States Census of Population, 1960. New York, Number of Inhabitants. U.S. Department of Commerce, Bureau of the Census, pp. 7, 29. Population New York City: 7,781,000. Population New York State: 16,782,000.

[5] 1962 Annual Report of the Comptroller, State of New York. loc. cit.

[6] Ibid.

the State. It is a far cry too from the City's 35 percent share of the State's public school enrollment.[7] Had New York City received the same proportion of school aid per pupil as the rest of the State it would have amounted to $273 million, or 77 million dollars more than the City did in fact get. Comparing these figures in another way, New York City received $197 in school aid for each student in its [fol. 547] public schools. The average for each student in the rest of the State was $314.[8]

8. On its face this enormous differential between what the State spends on the education of a child in New York City and what it spends on a child Upstate appears outrageously unjust. It is a figure cited more than any other by the City's public officials, by its civic organizations and in the editorial comment of its communications media to support the charge that Upstate New York employs its inflated voting power in the Legislature to "short-change" New York City. The fact that the education of an Upstate child is worth $117 a year more to the Legislature than the education of a child in New York City, the fact that for every dollar the Legislature bestows on a school child Upstate it can spare only 63 cents for a school child in New York City: these are facts which the parents and the taxpayers

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[7] Education Statistics: New York State 1961-62 Estimates. Bureau of Statistical Services, University of the State of New York, August 1961. Page 5, Table 1. Estimated total enrollment for entire State: 2,843,000. For New York City: 996,000.

[8] State Aid to New York School Districts. State Education Department, University of the State of New York, December 1961, Page 25, Table 7. The comparative figures cited in this table are based not on public school *enrollments* but on "Weighted Average Daily Attendance", a figure reflecting the proportion of students actually enrolled who are in attendance on an average school day. This Attendance factor, which is applied to New York City's disadvantage in calculating school aid, is discussed in a later footnote. In connection with the comparative figures used in the table here cited, however, it makes even the $117 discrepancy in school aid between New York City and the rest of the State a *conservative* figure. Since average attendance in New York City's public schools is slightly lower than in the rest of the State, a comparison of State Aid per student based on enrollments would show an even greater discrepancy than that given here.

of New York City find more shocking than all other discriminations combined.

9. Just how does the Legislature justify these facts, facts which are neither contested nor in any way concealed? The answer, for what it is worth, is embodied in a maze of interlocking formulas whose detailed analysis would go far beyond the scope of this exhibit.[9] But there is no dispute as to what particular formula is responsible primarily for New York City's inferior share of total school [fol. 548] aid. 83 percent of all school aid is distributed under the so-called "equalization" program. Under this program, aid to each school district varies inversely with the amount of taxable real estate per student in that district. The theory underlying this formula is that the more real estate there is to tax in a community, the less help that community needs from the State in raising money for its schools.[10]

10. This theory easily works to New York City's disadvantage. The City has 42 percent of the State's taxable real estate.[11] It has only 35 percent of the State's public school students. The ratio of taxable real estate to school enrollment is thus higher in New York City than in the rest of the State. Under the "equalization" formula the City's relative share of school aid is therefore lower than Upstate New York's.

11. The flaws in the "equalization" theory have been pointed out repeatedly by spokesmen of the City. Briefly they are these:

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[9] There are many State publications in which the basic formulas are spelled out and, in some cases, shown in their annual application to the respective school systems of the State. To cite a few: State Aid to Local Government, pp. 13-33, 36, 38-40, 42-44; Education Statistics New York State, 1961-62 Estimates; State Aid to New York School Districts.

[10] State Aid to New York School Districts, pp. 1, 2.

[11] Statement by New York City Comptroller Abraham D. Beame before Joint Fiscal Committees, New York State Legislature, February 15, 1962, p. 1.

A. In every community of the State, including New York City, taxes on real property are the principal source of revenue for all public services and not just schools. The cost of these other services is proportional to the City's total population and not to its school enrollment. And in terms of its total population, New York City is not more favored with taxable property than the rest of the State. Quite the opposite, with 46 percent of the State's people, the City has only 42 percent of its real estate wealth. If the only function of a local government were to operate a school system, then the ratio of real estate to school enrollment *might* be a more defensible criterion for allocating school aid. Since this is not the case, the "equalization" formula merely creates a dense fog of misleading mathematics behind which the Legislature quietly divests the City's school children of 77 million dollars a year.

B. Oddly enough, in the more refined applications of the "equalization" formula, the Legislature has made it possible for a sharp decline in the City's relative share of the State's real property to produce not a rise but a further decline in its share of school aid. In 1942, 61 percent of the State's taxable property lay in New York City, but the City then received only $20 less per student than did Upstate New York. In 1962, [fol. 549] with only 42 percent of the taxable property, New York City received 117 dollars less.[12]

C. Even if real estate wealth per student could be otherwise accepted as a definitive test of a community's ability to support its schools, state-imposed ceilings on the rate of real estate taxation would minimize the City's supposedly superior local revenues. The Legislature's long history of frustrating City efforts to

[12] Ibid. According to Comptroller Beame, during the same 20 years in which the gap in school aid per student between New York City and the rest of the State multiplied six times, real estate values outside the City rose 273 percent. During the same period real estate values in New York City rose only 75 percent. See also Remarks by Mayor Robert F. Wagner before Joint Fiscal Committees of the Legislature, February 15, 1962, p. 3.

increase these revenues is a matter of record. In view of this record, any argument for lower school aid based on the City's assumed advantage in local tax resources collapses entirely.

12. For these and other reasons the "equalization" formula for determining school aid amounts to a prescription for generating inequality between the school children of New York City and the rest of the State at the rate of well over a hundred dollars a head each year. The formula contrives a glamourous assessment of the City's resources with no foundation in fact. Of all the possible factors which might be brought to bear on a calculation of the City's needs, the formula ruthlessly excludes or minimizes nearly all which might operate in the City's favor. And, under the guidance of the inflated Upstate majority in the Legislature, this same formula is skillfully stocked with every possible provision which might operate in favor of the rest of the State. A formula whose mathematical complexity grows with every passing year, it nevertheless conveys a message which any schoolchild in New York City can understand. To that schoolchild it says: "For every dollar that a child Upstate is worth to the State of New York, you are worth 63 cents." [13]

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[13] As an example of how even the short ration prescribed for New York City under the "equalization" formula can be still further reduced by Legislative ingenuity, the use of "Weighted Average Daily Attendance" rather than school registration as the basis for calculating student population deserves notice. School attendance in New York City happens to run somewhat lower than it does in the rest of the State. For 1961-62 preliminary estimates showed attendance at 89 percent for the City's schools, 92 percent for the rest of the State. By using "Weighted Average Daily Attendance" rather than school enrollment as the basis for school aid, Upstate New York was thus granted an additional three percent advantage in school aid beyond that already conferred by the basic "equalization" formula. By this provision alone the gap in school aid between New York City and the rest of the State was widened by nearly $10,000,000. In no way, of course, do the City's slightly lower attendance figures reduce its costs of maintaining classroom space, heating or lighting or paying teachers' salaries. Education Statistics New York State, 1961-62 Estimates, p. 6, Table 1; p. 7, Table 3.

Statement by Mayor Robert F. Wagner on City's Legislative and Fiscal Program Outline and Comments. October 8, 1961, p. 11.

[fol. 550] 14. On highways in 1961-62, the Legislature appears to have spent a total of 396 million dollars.[14] By its very nature, most of the highway mileage is outside New York City. Most of the jobs created by the highway program are jobs Upstate. And as a means of transportation for the average citizen, these highways are significant primarily Upstate.

15. The people of the city cannot on these accounts quarrel with the State highway program. But they may legitimately point out that *they* have a transportation facility which is in many ways a counterpart of those splendid highways so generously endowed Upstate by the Legislature. This, of course, is the City's transit system. Just as State-financed highways enable Upstate New Yorkers to get [fol. 551] around *their* sector of the state swiftly and cheaply, the City's transit system enables nearly eight million people to do the same in *this* sector of the State. Nevertheless, the Legislature has never spent a dollar towards the huge cost of building and operating City transit.[15]

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[14] Digest of Annual Report of Comptroller, pp. 6, 7, 10. Annual Budget Message of the Governor, 1962-63, pp. M-13, M-20, M-21, M-100, M-101. State expenditures on highways are difficult to pin down on an annual basis, since the money is distributed throughout a large number of spending categories in each of the three principal divisions of the State budget. Moreover, the figures in the Governor's message, submitted before the conclusion of the fiscal year, involve estimates of what would be spent during the remainder of that year, whereas the Comptroller's report, dated after the conclusion of the fiscal year, presumably gives more or less final figures. The Comptroller's Digest, however, does not assemble all the components of highway spending in the same fashion as the Governor's Budget Message to produce a grand total. Neither in the figures provided by the Comptroller's Digest nor in the Governor's Budget Message is it clear just how the Governor's total of 396 million dollars for State spending on "highways and highway safety" is arrived at, but I have no reason to doubt the accuracy of the Governor's estimated total for the purpose of the general statement about the over-all dimensions of the State highway program made in the text above.

[15] This does not of course interfere with the Legislature's prescribing fiscal policy for the transit authority, interdicting any subsidy for its operations by the City or even requiring the City to go to Albany for enabling legislation before it could tear down the Third Avenue El.

16. Of the nearly four hundred million dollars spent by the State for highways in 1961-62, 74 million came under a State Aid program, the fourth largest aid program of all.[16] Though the program is called "Highways", it does encompass ordinary roads and city streets as well. New York City got a share of this aid. But, in spite of the fact that nearly half the people of the State live along the City's streets, the Legislature has found formulas for this program which give New York City barely 18 percent of the total. Upstate localities got the rest.[17] As for the remaining third of a billion dollars spent by the State on highways without any local contribution last year, the overwhelming majority of that money was spent of course beyond the City's line.

17. The City cannot, of course, expect to share equally with the rest of the State in highway appropriations. Admittedly, its highway needs are not that great. Let's consider, however, a State program under which the City's needs far overshadow those of the rest of the State combined: housing. In this case, the total aid program of the State in 1961-62 was 21 million dollars. New York City, to be sure, received the lion's share of this (16 million).[18] But even had the entire 21 million dollars gone to the City it could hardly compensate the City's taxpayers for the huge [fol. 552] contributions *they* make to far bigger programs whose benefits accrue primarily Upstate.[19]

18. Though the City receives 75 percent of all State Aid for housing, this can hardly strike the City's people as generous when the total aid budget is so unreasonably small. As they survey the splendid expanse of State-fi-

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[16] Digest of Annual Report of Comptroller, State of New York, p. 6.

[17] Ibid. State Aid to Local Government, pp. 65-71.

[18] Digest of Annual Report of the Comptroller, State of New York, 1962, p. 6.

[19] Figures on the relative contribution of New York City to the State's total revenues are presented *post*. According to these figures, New York City's taxpayers contribute *more* than their proportionate share of total State revenues.

nanced highways beyond their City line, as they contemplate the gray and growing expanse of the slums within it, the City's people find it hard to understand a State budget which allows twenty times as much money for those highways as it does for the roofs over the heads of nearly half its people.

19. As a general rule, with very few exceptions, New York City's share of State-aid programs is highest when the total budget of the program is least. As a case in point: aid for mental health. The total appropriation in 1961-62 was $13,800,000. Of this New York City received $10,100,000, or 74 percent.[20] But though this percentage seems high, it was really low in comparison with the City's mental health needs. And it was kept low by the kind of arbitrary ceiling which the Legislature almost always imposes on any program, however small, under which the City's share figures to be high.

20. This is how it works. The basic formula for Mental Health Aid requires the State to pay its communities for half the cost of mental health services. In the case of New York City, however; this formula is defeated by a flat limit on the amount of aid per resident which any community can receive.[21] Because of this limit New York City receives far *less* than half its mental health costs from the [fol. 553] State. Because of the per capita limit, New York City in 1961-62 received nearly three million dollars less than it would have been entitled to under the 50-50 formula. Under the City's 1962-63 budget for mental health, the per capita limit would deprive New York City of nearly five million dollars in State Aid.[22]

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[20] 1962 Digest of Annual Report of Comptroller, State of New York, p. 6.

[21] State Aid to Local Government, p. 63.

[22] Report by Marvin E. Perkins, M.D., New York City Commissioner of Mental Health Services, July 5, 1962. See also Statement of City Comptroller Beame before Joint Fiscal Committees, p. 4; Statement by Mayor Wagner on City's Legislative and Fiscal Program: Outline and Comments, p. 16.

Besides New York City, 31 counties in the State have mental health programs to which the State contributes. Of these counties only one (Westchester for three months in 1962) has ever exceeded the per capita limit at which State sharing of mental health costs ceases. Both Westchester and Erie counties, however, currently report that they would increase their mental health expenditures if the State were to remove its per capita limit on shared spending. On July 17, 1962, Governor Rockefeller announced that he would ask the Legislature in 1963 to remove the per capita limit on matching mental health funds. Whether the legislature would honor such a request remains to be seen. New York Times, July 18,

21. What is seen here is a typical feature of State Aid formulas. When the aid program deals with a public need felt to the highest degree in New York City, arbitrary limits are often set on how much aid a particular community (i.e. New York City) can get.

22. Another example of this is State spending for victims of tuberculosis. For the rural areas of New York, the State operates tuberculosis care centers entirely out of State funds. The cost of these centers was nearly five million dollars in fiscal year 1961-62.[23] For the *urban* communities of the State (and this means primarily New York City), the State pretends to share *half* the cost of patient care with the local government.[24] Here again, however, a further provision of the aid formula destroys even the State's pretense of paying *half*.

23. As a shining example of how the Legislature can give with one hand and take away with the other, the exact language of the aid provisions deserves quotation:

> "For local charges—50% of the per diem patient cost of care and treatment; *reimbursement not to exceed $5.00 per patient per day.*" [25]

In point of fact it costs New York City $22 a day to maintain a tuberculosis patient in a hospital.[26] The State's five dollar a day reimbursement comes to less than *23* percent of this cost, a far cry from the 50 percent sharing proclaimed as the intent of the program, a far cry from the 100 percent paid for the care of rural patients at the Upstate centers. Were New York City in fact reimbursed for even 50 percent of its costs for tubercular care, this would bring more than five million dollars in further State Aid to [fol. 554] the City.[27]

24. No aid program which might confer a special benefit on New York City is so small as to escape the vigilance of rural New York's watchdogs in the Legislature. Aid for Probation Services to take an example, amounts to barely a million dollars a year for the entire State. It is less than the State collects in one morning from the paychecks of New York City. Nevertheless, at the time when the Legis-

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[23] Executive Budget for Fiscal Year 1962-63, p. 374.

[24] State Aid to Local Governments, p. 60.

[25] Ibid.

[26] Statement of Comptroller Beame before Joint Fiscal Committees, pp. 4, 5.

lature finally acknowledged that probation services deserved State support, there was a real risk that under any aid formula based on need, New York City would get most of the money. It wasn't *much* money, to be sure. Here's how the Legislature went about making certain that the City's benefits under the program are held in check:

A. State Aid is granted only for *expansion* of probation services since the program went into effect. Since New York City was a pioneer for the entire nation in this kind of service, it had a substantial program already in being when the State began making its grants. As a result, the City's pre-State-aid budget for probation services is deducted from its current budget before the State begins to share any of the costs. Since probation services hardly existed in the rest of the State before the aid program began, virtually the entire current budgets in most other communities represent "expansion". In these communities, therefore, the State pays a share of nearly *all* the costs.

B. The basic formula for sharing these costs is, as usual, 50-50. New York City, however, is singled out for a flat ceiling on the total amount it can get, a kind of ceiling absolutely unique even for State Aid in New York. The aid allotments earned by all the rest of the State are first added up. That total then becomes the ceiling on what New York can get.

C. A further provision authorizes the State to share 80 percent of the costs for counties in "special need" of probation services. Exactly *five* of the sixty-two counties of the State are excluded from this provision. They are, of course, the five counties which make up New York City.[28]

25. Because of this curiously-contrived ceiling, the State pays nothing like half the cost of New York City's proba-

[28] State Aid to Local Governments, p. 64.
Statement of Comptroller Beame before the Joint Fiscal Committees, pp. 2, 3.
Statement by Mayor Wagner on City's Legislative and Fiscal Program: Outline and Comments, p. 21.

[fol. 555] tion services. In 1961-62, in fact, the figure was 28 percent.[29] Upstate, however, the State paid as much as 80 percent of probation costs and never less than half. Here again, need is the criterion of aid for the rest of the State but not for New York City.

26. With the State's aid program for youth services, we return to a more conventional technique of limiting New York City's share. Again the basic aid formula is 50-50. Again there is a flat ceiling based on total population.[30] Again the notorious need of New York City for a particular program is ignored. In this case the arbitrary ceiling reduces the State's share of costs to 37 percent. The loss to the City: $680,000.[31]

27. A noble and unique exception to the long roll of State Aid programs, each with its own blueprint for underpaying New York City, is social welfare. This is, first of all, a *big* program. In 1961-62, the State paid out 181 million dollars under it.[32] The money goes to local communities on the usual basis of evenly sharing the costs. But, in spite of the fact that this arrangement gives New York City nearly two-thirds of all the money in the program, there are no arbitrary ceilings, no elaborately-contrived provisions for reducing the City's natural share.[33]

28. By any standard, therefore, the State's welfare program is certainly fair to New York City. It may produce a fair amount of grumbling Upstate. It may evoke angry speeches in the Legislature from rural members loath to find New York City getting the biggest share of any major appropriation. But, whatever resentment this may stir among the Upstate powers in the Legislature, the City's equitable treatment under the welfare program has a

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[29] Statement of Comptroller Beame before Joint Fiscal Committees, p. 3.

[30] State Aid to Local Governments, pp. 76, 77.

[31] Statement of Comptroller Beame, p. 5.

[32] Digest of Annual Report of Comptroller, State of New York, 1962, p. 6.

[33] State Aid to Local Governments, pp. 49-55.

[fol. 556] unique kind of guarantee. For the State's welfare program is in turn supported by equal amounts of Federal Aid. To qualify for this Federal Aid, the State's program must meet strict requirements. Were the kind of discrimination against New York City found in other State Aid programs extended to Welfare, it could imperil the State's own receipts from the Nation.

29. Another State program under which New York City might at first glance appear to be doing reasonably well is Per Capita Aid. The total budget in 1961-62 was 100 million dollars. New York City, with only 46 percent of the people of the State, received 53 percent of this Per Capita Aid.[34] Can the City complain about that? In point of fact, it can.

30. Per Capita Aid has an unusual history. From 1920 to 1946, the State allowed local communities to keep a part of the major State taxes collected within their respective boundaries.[35] It was in effect an arrangement under which the local government and the State each imposed a levy on the same tax base, and the State acted as the collecting agency for both. Along with the real estate tax, these shared State taxes made up the bulk of all local taxes. There was one problem, however, with the shared taxes. Unlike real estate levies, which are fairly stable sources of revenue from year to year, receipts from the shared State taxes varied sharply with changes in the general economy.[36]

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[34] Digest of Annual Report of the Comptroller, State of New York, p. 6. New York City's Per Capita Aid is currently figured on the basis of its population under the 1953 census, which was then 52 percent of the State's. This accounts in part for its relatively high share of the total aid.

[35] State Aid to Local Governments, pp. 1-12.

[36] Ibid.
Remarks by Mayor Wagner before Joint Fiscal Committees, pp. 5, 6. Statement by Mayor Wagner on City's Legislative and Fiscal Program: Outline and Comments, pp. 12-14.
Among the most heavily productive State taxes have been those on personal income, corporate income and net profits of unincorporated businesses. All of these are, of course, very sensitive to

[fol. 557] 31. In 1946, accordingly, the Legislature replaced the shared taxes with a State Aid program which would guarantee local governments a predictable revenue each year and thus make local budgeting more efficient. No particular community was expected to profit, or be hurt, by the switch. The idea was that Per Capita Aid would grant each community roughly what it had been earning from shared taxes but without the annual ups and downs which the State was obviously better able to absorb.[37]

32. For New York City, however, the swap has turned out badly. Aid per capita remains as it was 16 years ago, a fixed $6.75. During that period inflation alone has sharply reduced the real value of the aid. Meanwhile the shared taxes which Per Capita displaced have soared enormously. If New York City were still sharing State taxes as it did before 1946, those taxes would have brought in 155 million dollars last year. That is 102 million more in fact than the City received in Per Capita Aid.[38]

33. There is nothing to suggest that, in the switch from shared taxes to Per Capita Aid, New York City was the victim of an Upstate plot. The change-over was never intended to produce any basic change in the long-range revenues of local communities. In the case of New York City, however, it has done exactly that. Year after year, City officials have gone before the Legislature to plead for an upward adjustment of Per Capita Aid to compensate them for their lost receipts from shared taxes. These pleas have gotten nowhere.

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economic developments from year to year. Since the State does not allow local governments to run operating deficits, a major decline in shared-tax receipts could therefore create a major fiscal crisis for even the most carefully budgeted community.

[37] The State in 1946 had a very large surplus. Moreover, unlike the local governments, the State had no higher authority to restrict its borrowing powers if the surplus were dissipated.

[38] Remarks of the Mayor before Joint Fiscal Committees, p. 5. Mayor's Statement on City's Legislative and Fiscal Program, pp. 12-15. Message of the Mayor, City of New York, to the Board of Estimate and the City Council, submitting the Executive Budget for the fiscal year 1962-63, April 19, 1962, p. 7.

34. From the foregoing analysis of State Aid a vivid pattern of discrimination against New York City emerges. This discrimination is not universal. Often, it is quite [fol. 558] subtle. It tends, oddly, to be most blatant where the stakes are least. Sometimes, as in the case of Per Capita Aid, it may even have begun by accident. But there is nothing accidental today about the Legislature's refusal to help the City make up its lost revenues from shared taxes. Nor is there anything accidental in the cunning calculus of school aid: the so-called "equalization" formula for disinheriting by degrees the children of New York City.

35. By ruthlessly employing its vast arsenal of discriminating formulas the Legislature has opened up a State Aid gap between New York City and the rest of the State amounting to nearly a third of a billion dollars a year—this in spite of the fact that the respective populations are almost equal.[39]

36. Could this neglect by the State stem from any failure on the part of New York City to carry *its* share of the burdens of the State? Not very likely. Though New York City has only 46 percent of the State's population, at least half of the State's taxes are collected here.[40]

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[39] Digest of Annual Report of Comptroller, p. 6.

[40] The contribution of the City to total State revenues is a matter of continuing controversy among officials of the respective governments. According to correspondence between the State Department of Taxation and Finance with the City Comptroller's Office in 1958 and the City's Budget Bureau in 1960, the percentage of *individual* taxes paid by *residents* of New York City was approximately *49* percent of the State's total for both years. Excluded from this calculation of the City's contribution, however, were the taxes paid by *non-residents of the State* on business activities conducted in New York City. The City contends that, assuming the State has any justification for taxing these non-residents at all, it is for public services (police and fire protection, maintenance of streets and sewers, etc.) financed entirely by the City and not by the State. Since the City is asking here not for the tax revenues generated by these non-residents but only for the credit of having made those State revenues possible, it does not seem unreasonable to include the taxes collected by the State from Connecticut and New Jersey people working in the City among the State taxes for

37. When compared in fact to the high tide on which their taxes flow North to Albany, the trickle of State Aid which comes back across the City line is particularly infuriating to the taxpayers of New York City. For every dollar which the State collects in New York City, only *38* cents returns as local aid. By contrast the Upstate taxpayer knows that *65* cents out of every dollar *he* pays will return to finance the roads and bridges and schools and hospitals of the community in which he lives.[41]

38. Just what exactly entitles that Upstate New Yorker to this kind of deal? It cannot be greater need. New York City may have some very rich people and highly paid execu- [fol. 559] tives, but it also has, in far greater numbers, some of the lowest paid workers in the nation. The income of the City's rich, though profitably taxed by the State, brings no direct revenues for our local government. As for the City's supposedly unlimited supply of taxable real estate, it has already been shown to be a myth. In this kind of wealth, Upstate New York is now far more heavily endowed than the City.[42]

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which the City can claim honor. If those revenues *are* included New York City's contribution rises to 55 percent. Even if these contributions by out of State residents are *not* counted to the City's credit, however, 49 percent is a deceptive figure for the contribution of the City's residents to the State's revenues. For the six percent contributed by out of State residents should be deducted from the total and New York City's 49 percent compared with 94 percent of the State's revenues rather than 100 percent. In that case the contribution of the City's residents is at least 52 percent of the contribution by all residents of the State, even if we assume that tax revenues Upstate contain no component of non-resident taxation. Bernard Culloton, Deputy State Commission of Taxation and Finance, to Winthrop L. Schnizer, Chief Accountant, Officer of New York City Controller, December 10, 1958. Joseph H. Murphy, Commissioner of Taxation and Finance of New York State, to William Shea, then Assistant Director of the Budget of New York City, March 1, 1960. John A. McInnis, Research Unit, City Bureau of the Budget, to Martin Plissner, Research Director, WMCA, July 13, 1962.

[41] Statement of Comptroller Beame before Joint Fiscal Committees, pp. 1, 2.

[42] Cf. *ante*, pp. 5, 6.

[fols. 559-562] 39. Why then the plain dollars and cents discrimination against eight million people in New York City by the Legislature of New York? I submit that this is largely due to the system of apportioning that Legislature so fully documented by Professor Silva. It is this system which deprives the people of New York City of their rightful influence upon the lawmaking power of the State. It is this system which leaves them relatively unprotected against the self-serving enactments of an inflated upstate majority.

40. New York City's short ration of State Aid is made doubly painful by State-imposed limits on other potential sources of City Revenue. Constitutional provisions severely restrict the City's borrowing capacity for capital expenses. Further provisions, as we have seen, restrict the City's ability to finance its running costs by taxing property.[43]

41. Even when taxing real estate to the full Constitutional limit, the City therefore falls far short of meeting its vast budgetary requirements. New York City is consequently forced to levy a variety of other taxes without parallel anywhere else. By comparison to other municipalities, the total is staggering. Non-property taxes in New York City amount to 90 percent of all such taxes levied in New York State. Incredible as it may seem, they amount to a third of all the local non-property taxes collected in the entire nation.[44]

42. Burdensome as this taxation may be, the burden falls entirely upon the people of the business community of New York City. It might be supposed, therefore, that the Legislature—having stinted the City on State Aid—would be sympathetic to the City's abiding quest of compensating revenues from local sources. But the record shows that this is not the case.

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[43] Wallace Sayre and Herbert Kaufman, Governing New York City, New York, 1960, pp. 50-52, 560-562.

[44] Governmental Finances in 1960, Federal Bureau of the Census, Washington, 1961, p. 16.
Special Report on Municipal Affairs by the Comptroller, State of New York, 1960, p. 3.

43. Having no inherent authority to tax, New York City can only impose such taxes as are authorized by the Legislature. But, among the many kinds of high-yield taxes which might be authorized aside from those on property, the State has reserved to itself nearly all of those which governments find easy to administer and comparatively inoffensive to the public.[45]

44. Among the non-property taxes allowed the City, the only highly productive levies are the retail sales tax and the tax on business transactions. Of these the sales tax is far the more productive. But the high return of the sales tax has been achieved only by tripling its rate during the generation since its inception. Because this tax applies to many necessities of life as well as luxuries and because it falls in appreciable amounts upon the poorest citizens, it is generally considered among the least popular of major taxes for any given yield. Even when exacting this tax, however, to the maximum degree permitted by the State, the City falls far short of meeting its budgetary needs.[46]

45. To make up the difference City administrations have to exercise great ingenuity. As the cost of municipal services mounts each year, the pursuit of fresh sources of revenue becomes increasingly desperate. But, in requesting fresh grants of taxing power from the Legislature, New York City's elected officials have received little support for

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[45] Sayre and Kaufman, *op. cit.*, pp. 560-562.

David M. Ellis, James A. Frost, Harold C. Syrett and Harry J. Carman, A Short History of New York State, Ithaca, 1957, pp. 429-430.

Warren Moscow, Politics in the Empire State, New York, 1948, pp. 217-219.

Most conspicuous among these areas of taxation are the personal income, corporation and unincorporated business taxes in which the City did share before 1946, the gasoline tax of which it still receives a small share, the pari-mutuel tax from which it once received a share and the stock transfer tax. The City's claim to a restored share in the pari-mutuel tax at Aqueduct and a share in the stock transfer tax will be discussed presently.

[46] Statistical Guide for New York City, Department of Commerce and Public Events, City of New York, 1961, p. 59.

Sayre and Kaufman, *op. cit.*, pp. 50-52, 560-562.

those measures which they consider relatively acceptable to the people of the City.[47] Instead they have repeatedly been granted authority to impose taxes which are well known to be especially odious to the City's public at large.[48]

46. The City's unhappy experience over the years with tax proposals to the Legislature is not cited here as an instance of *discrimination*. The request taxing powers denied the City are not powers enjoyed by other local governments in the State. Nevertheless, New York City's revenue requirements are entirely unique, for its very size makes it a kind of local government without parallel elsewhere in the State or for that matter in the nation. New York City is the third largest city in the world. It has twice the population of any other city in the Western hemisphere. It has more people than 42 of the 50 states. It has fourteen times the population of any other city in New York State.[49]

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[47] 1962-63 Budget Message of the Mayor, p. 9.

A current example of the Legislature's rejection of major city tax requests is the commercial occupancy tax solicited once again this year by the City's Board of Estimate. A graduated tax on the rental and use of commercial space, its estimated yield was 24 million dollars. By contrast with many other taxes authorized by the State, this would have been imposed on a class of taxpayers comparatively more able to support the burden and in a manner proportioned to the degree of this ability. The City was unable to muster the votes for its passage by the Legislature.

[48] Among these taxes, the so-called "nuisance taxes," are those on payrolls, on auto-use, on overnight parking, on taxi rides and on draught beer served in taverns. All except the payroll tax are of relatively small yield. The payroll tax is regarded by the City as unworthy of a Twentieth Century government: it is a straight percentage tax on wages, paid by the worker. It is thus in effect an income tax imposed only on wage-earners and without the graduated principle in both Federal and State income taxes which proportions the tax burden to an individual's ability to pay. As for the auto-use and taxi taxes, both have been tried and evoked such general resentment that no government responsive to public opinion could have retained them. There is good reason to believe that imposition of the tax on draught beer would produce the same response. As for the tax on overnight parking, the City regards this as unenforceable, a judgment which seems to agree with common sense.

[49] World Almanac, 1962, pp. 84, 250-253.

47. Because of its incomparable size, public services are required of New York which are on an entirely different scale from those found elsewhere in the State. In view of this, reasonable proposals by the City to secure its own welfare at its own expense would seem to merit the automatic support of the Legislature. Its failure to grant such support is one example of how New York City's under representation can lead to neglect of its wishes even when they in no way affect the interests of the rest of the State.

48. That New York City's money problems are grave is plain to any informed citizen. These problems affect nearly half the people of the State. They are a proper concern of the Legislature. Were that Legislature truly responsive to the needs of New York City, there might at least be some thought given to the sharing of certain State revenues collected entirely in New York City.

49. One of these is the stock transfer tax. In fiscal 61-62, this tax brought 83 million dollars to the State. All of this money was realized from sales conducted on the stock exchanges located in New York City. These exchanges received many essential services from the City, few from the State. Nevertheless, the Legislature has repeatedly rejected City pleas for a share of the tax revenues collected by the State.[50]

50. The Legislature's traditional insensitivity to New York City's unique local tax requirements is one easily

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[50] Statement by Mayor Wagner on City's Legislative and Fiscal Program: Outline and Comments, p. 24.

Services of a comparable order to those furnished the stock exchanges are also provided by the City at substantial expense to Aqueduct Race Track. These include police and fire protection, sanitation services and maintenance of streets and sidewalks. In the case of Aqueduct, the City even went so far as to build a separate subway extension to the track. Nevertheless the City gets no share in the substantial State tax levied on the pari-mutuel handle. In this particular case, a policy of tax sharing once practiced by the State has been terminated. Were it still in force, New York City estimates that it would receive approximately seventeen million dollars a year. The City has repeatedly asked the Legislature to reinstate local sharing of the pari-mutuel tax. The Legislature has repeatedly refused.

shown consequence of the City's under-representation and hence its reduced influence in the lawmaking body of the State. Discrimination against the City in allocating the tax revenues of the State itself is still another. But abuses by Upstate New York of its excessive voting power in the Legislature are not confined to State aid and taxing powers. The following is an example of how Upstate New York has taken advantage of the City through other kinds of legislation.

51. In 1923 the Legislature defined the condemnation powers of the City of New York as they exist to this day. Under this law, for all kinds of condemnations except one, the City brings action before a Justice of the State Supreme Court. The exception applies to condemnations by the City of property for watersheds Upstate. In this case the condemnation plea is brought before a "commission of appraisal" appointed by the Upstate County in which the property is located. This form of condemnation procedure is absolutely unique in the law of the State today. And it has led to abuses of many kinds, all of them tending to enrich citizens Upstate at the expense of the taxpayers of New York City.[51]

52. In recent years Upstate commissioners of appraisal have charged the City as much as 40 thousand dollars for trying condemnations which a Supreme Court Justice would normally have disposed of in a few days. The commissioners in one instance required 135 meetings to settle six awards and charged the City accordingly for their time.[52]

53. Not only is the City charged unmercifully for the "services" of these archaic commissions. The awards to

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[51] Memorandum of Bernard J. Ruggieri, Legislative Assistant to the Mayor, to Mayor Wagner, in support of Acts to amend the Administrative Code of the City of New York and the judiciary law of New York State, January, 1962.

Report on Condemnation Procedures Applicable to New York City Water Supply Area, Committee on Municipal Affairs, Association of the Bar of the City of New York, March, 1962.

[52] Memorandum of Bernard J. Ruggieri to Mayor Wagner.

Association of the Bar of the City of New York, *op. cit.* fn. 50 *ante.*

Upstate property owners have displayed a generosity unparalleled in this history of eminent domain. The City, for example, was charged nearly 400 thousand dollars for three parcels of land whose combined assessed valuations were 44 thousand. Awards of 240 thousand dollars were made for two parcels whose owners had bought them only a few years earlier for 18 thousand and had in no way improved them.[53]

54. Not only does this unique condemnation procedure expose the City to enormous abuses through the discretionary powers of the Upsfate commissioners. The very law itself imposes obligations on the City to make payments of a kind required in no other condemnation proceedings in the State.

55. Under a unique "indirect damage provision" of this unique condemnation statute, Upstate property owners and even business and professional men living quite distant from the condemned property can claim damages for loss of customers and clients. The most far-fetched claims of this kind have led to heavy damage awards against the City, awards which may not be reduced by appeals to the courts.[54]

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[53] *Ibid.*
New York World Telegram and Sun, February 1, 1962.

[54] Memorandum of Bernard J. Ruggieri to Mayor Wagner.
New York World Telegram and Sun, February 2, 1962.
The City may seek court review of these awards, but the only action which the court may take is to set aside the award. In that case the City can only return to still another commission of appraisal, pay another huge service charge to the new commissioners and anticipate from past experience that the new commission will prove just as irrationally generous with the City's money as was the earlier commission.
In summing up a broad indictment of the abuses referred to here in paragraphs 51 to 55, the Association of the Bar of the City of New York says (*op. cit.*):

> "The pattern of laws controlling the condemnation of land outside the City of New York for water supply purposes is unique, costly, discriminatory against the City of New York and ill-calculated to provide a just method of determining the value of land taken and to be paid for by the City of New

56. The scandal of Upstate's commissioners of appraisal has in recent years grown so great as to arouse the indignation even of some civic leaders in the counties where the abuses have taken place.[55] The City's proposals for its relief from these abuses have been simple in character. It is difficult to understand how there could be any controversy over these proposals except such as might arise from an Upstate determination to preserve this historic machinery for aggrandizing its citizens at the expense of the City.[56] Nevertheless the City has been unable thus far to secure affirmative action by the Legislature.[57]

57. In summing up this review of some of the Legislature's dealings with the City of New York, it would not be fair to say that the record is entirely black. Though over-represented, Upstate New York does not *always* abuse its power. And, though under-represented, New York City does have *some* influence. On some occasions divisions of interest Upstate give even the undermanned delegation from the City a very appreciable voice in the decision of the body as a whole. On even more occasions the interests of

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York. . . . The measure of damages provided for in the law goes far beyond what the citizens whose land is taken by governmental agencies are entitled to receive. In addition, claimants are entitled to receive from the City the fees of experts retained by them to prove their case and, to a considerable extent, even the fees of their own lawyers. Persons whose land is not taken but whose interests are indirectly affected by the taking of land in the water supply area, also receive awards—a practice which maintains in no other area of the law of condemnation."

[55] New York World Telegram and Sun, February 3, 1962.

[56] Memorandum of Bernard J. Ruggieri to Mayor Wagner. The City's proposals are (1) to bring watershed condemnations by the City under the same jurisdiction of the State Supreme Court which that Court exercises over all other condemnation proceedings in the State; (2) to permit the City to pay the entire salary of a Supreme Court Justice to preside over such proceedings; (3) to set standards for payment of "indirect damages" which would bar capricious acts of generosity at the City's expense.

[57] Statement of Mayor Wagner, February 20, 1962.

the City and the rest of the State are similar, and at such times the size of the City's vote is immaterial.

58. The occasions on which the City suffers materially from its under-representation in the Legislature are in fact relatively few in the course of all the business conducted at a normal session. Nevertheless, over the years, a body of permanent legislation has grown brick by brick at session after session into a monument of discrimination against New York City whose foundation is the malapportionment provisions of the Constitution of 1894 and whose capstone is the State Aid program of 1962.

59. Were the City fully represented in the Legislature, it might still on occasion find itself outvoted on matters vitally affecting its welfare. But this is inevitable under the processes of democratic government. What is not inevitable, what is in fact a denial of those very processes, is an arrangement by which the people of New York City are sent into the legislative arena under a heavy handicap imposed by the fundamental law of the State.

60. What this action seeks, therefore, is the emancipation of the people of New York City from State laws which prevent them from pursuing their political objectives on equal terms with the rest of the people of the State. It seeks specifically a remedy for the unequal system of representation in the Legislature arising from the Constitution and the statutes of New York State.

61. As Professor Silva has shown, this system grants Upstate New York a substantially greater majority in both houses of the Legislature than it would be entitled to under a fair apportionment.

62. This action has been brought because the urban voters of New York have no remedy under the Law of their State. The malapportionment of the Legislature is required by the Constitution of New York. And the very malapportionment of the Legislature for which a remedy is sought excludes Constitutional amendment as a means of finding that remedy.

63. The State Constitution has no provision for amendment through popular initiative. It can only be amended at the recommendation of the Legislature or a Constitutional Convention.[58] At the present time, however, only the Legislature itself can initiate such a convention.[59]

64. Constitutional amendment is therefore possible at this time only through affirmative action of the Legislature. It is reasonable to assume, however, that the controlling Upstate members of that Legislature will not take the initiative in advancing a Constitutional amendment whose principal effect would be to diminish their control.

65. Even if a Constitutional amendment could in some way be initiated, this would offer no reasonable prospect of a remedy to the malapportionment of the Legislature. For the composition of that convention would necessarily reflect the excessive representation of Upstate New York which prevails in the Legislature.[60] And a controlling Upstate delegation to the convention would be no more likely to support a reduction of Upstate's power in the Legislature than would the Upstate delegation to the Legislature itself.

66. The recent history of the "Peck Commission"[61] gives a definitive answer to any suggestion that the Legislature might act voluntarily to correct the injustices of New York's present system of apportionment. That these injustices exist, Professor Silva has shown in her affidavit. Quite apart from the evidence submitted in that affidavit, it is common knowledge throughout the State. Assemblymen

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[58] New York State Constitution, Art. XIX, §1.

[59] New York State Constitution, Art. XIX, §2, provides: "At the general election to be held in the year 1957, and every twentieth year thereafter, and also at such times as the Legislature may by law provide, the question 'Shall there be a convention to revise the constitution and amend the same?' shall be submitted to and decided by the electors of the state, . . ."

[60] Under Art XIX, §2, each Senate district elects three delegates and the citizens of the State elect only fifteen delegates at large.

[61] The Temporary State Commission on the Revision and Simplification of the Constitution, the Chairman of which was the Hon. David W. Peck, former Presiding Justice of the Appellate Division (1st Dept.) of the State of New York.

and Senators know this better perhaps than anyone else. And a Commission created by the Legislature specifically to propose changes in the State Constitution could not have avoided an examination of the provisions on apportionment.

67. The Peck Commission did in fact begin a study of apportionment. From Professor Silva it received a comprehensive analysis of the present system, the most thorough study ever made of apportionment in any state. Early in 1961 the Peck Commission was reported to be giving special attention to the inequities of apportionment in New York State. It was at this time, even before the Commission had completed its recommendations, that the Legislature unexpectedly allowed the Commission to expire.[62] As for the thorough study of apportionment delivered by Professor Silva to the Commission, it was never made public by the State.

68. From the history of the Peck Commission it is clear that no affirmative action towards a remedy of malapportionment in New York State can be expected from the Legislature. And, as I have shown, without such action no remedy is possible under State Law.

69. This complaint presents for resolution by the Court, one of the most frustrating problems of public policy—discrimination against city dwellers by a State Legislature. There is no way in which the Legislature itself can reasonably be expected to resolve this problem. The voters of the State are powerless to initiate action. The key to constructive resolution is, therefore, with the Court.

70. There is no remedy for the pattern of discrimination and the denial of rights under the United States Constitution here stated except by the action of this Court.

/s/ R. Peter Straus
R. Peter Straus

Sworn to before me this
20th day of July, 1962.

/s/ Edward B. Schoen
Edward B. Schoen

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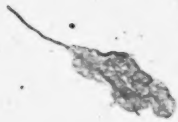
[62] See Senate Intro 3191 which would have extended the life of the Commission but which died itself in the Finance Committee.

STATE OF NEW YORK,
COUNTY OF NEW YORK, *ss.*:

On this 20th day of July, 1962, before me personally appeared R. PETER STRAUS, to me known and known to me to be the individual named in the foregoing affidavit and who executed said affidavit, and he duly acknowledged to me that he executed the same.

/s/ EDWARD B. SCHOEN



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[fol. 573]

IN UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

EXTRACTS FROM PLAINTIFF'S EXHIBIT 9—APPENDIX TO AFFIDAVIT OF RUTH C. SILVA

APPENDIX

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[fol. 575]
U.S.D.C., S.D.N.Y. Re: W.M.C.A., Inc. et al.
v. CAROLINE K. SIMON, Secretary of State of the State of of New York, et al.

APPENDIX

1. *The two following provisions* of the New York Constitution deprive citizens in New York's six most populous counties (Bronx, Erie, Kings, Nassau, New York, and Queens) of equitable representation in the Senate of the State of New York and, consequently, of an equal vote in state senatorial elections.

I. "No county shall have four or more senators unless it shall have a full ratio for each senator." N.Y. Const., Art. III, § 4 (1894)*

II. " . . . except that if any county having three or more senators at the time of any apportionment shall be entitled on such ratio to an additional senator or senators, such additional senator or senators shall be given to such county in addition to the fifty senators, and the whole number of senators shall be increased to that extent." N.Y. Const., Art. III, § 4 (1894).*

[fol. 576]

CLERK'S NOTE

Table I—Showing "Senate Seat Remainders In All Counties Having Three Or More Full Ratios" (omitted in printing here). See printed side folio 537, page 243, ante.

[fol. 577] 2. *The full-ratio rule.* As shown in Table I *supra,* the full-ratio rule requires the State's six most populous counties to have large un-represented populations.

3. *The provision for enlarging the Senate:* Since the State's six most populous counties are required to have a full ratio (2% of the State's total citizen population) for each Senator, the average citizen population per Senator in these counties must exceed the ratio. Under the 1960 census, the ratio will be 324,816 but the average citizen population per Senator in the six most populous counties (Bronx, Erie, Kings, Nassau, New York, and Queens) will be 366,128. Moreover, because Senators are apportioned to the six most populous counties on the basis of a fifty-member Senate while the actual Senate is larger, arithmetic necessity requires Senators to be apportioned to the other counties on a second ratio that is smaller than the constitutional ratio.

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* One ratio = 1/50th of the State's total citizen population. Therefore, a county can not have a fourth Senator unless such county has at least eight percent of the State's total citizen population.

Under the 1960 census, thirty-one of the State's fifty-seven Senators will be distributed to counties having only 6,721,470 citizen inhabitants. This means that the average citizen population for each of these thirty-one Senators will be only 216,822. Consequently, the second ratio (216,822) will be more than forty percent smaller than the average citizen population per Senator in the six most populous counties (366,128). If the Senate should be composed of only fifty-members, however, there will be only twenty-four Senators to distribute among these less populous counties. Therefore, the sec- [fol. 578] ond ratio would be 280,061—approximately twenty-three percent smaller than the average in the six most populous counties (366,128) and about thirteen percent smaller than the constitutional ratio (324,816). In other words, the larger the Senate, the greater the difference between the first and second ratios and the more under-represented the most populous counties are in relation to the less populous counties. (See Table II).

CLERK'S NOTE

Table II—Showing "Senate Ratios and Averages" (omitted in printing here). See printed side folio 538, page 244, ante.

[fol. 579] 4. *The full-ratio rule combined with the enlarged Senate:* Under the 1960 census, the full ratio rule will permit Nassau to have only three Senators although Nassau has a citizen population of 3.93 ratios. Therefore, the average senatorial district in Nassau County will have 425,267 citizen inhabitants. If the full-ratio rule of the New York Constitution be valid, the Legislature simply will have no discretion in creating districts in Nassau County which will have forty-nine percent more citizen inhabitants than the state-wide average of 234,926. Moreover, the second ratio will be only 216,822. If the ruling in the *Fay* case (291 N.Y. 198) be the only possible interpretation of the provision for enlarging the Senate, the Legislature will have no discretion about the size of the second ratio. Then when the Legislature attempts to conform to the various districting rules that

are also prescribed by the New York Constitution, some of the districts will inevitably have fewer citizen inhabitants than the second ratio. In order to conform to these districting rules, the Legislature will probably have to re-create the Essex-Saratoga-Warren (now the 39th) District, which is and will be the State's least populous senatorial district with only 166,715 citizen inhabitants or more than forty-one percent less than the state-wide average. Therefore, the range or variation between the most and the least populous districts will be at least ninety percent.* That is, the citizen population in an average Nassau district will be more than two and one-

[fol. 580]

CLERK'S NOTE

Table III—Showing "Senate Districts Under Constitution of 1894" (omitted in printing here). See printed side folio 539, page 245, ante.

[fol. 581] half times the citizen population of the Essex-Saratoga-Warren District. Even if the districting rules would allow the Legislature to make the smallest district one having 216,822 citizen inhabitants, the district would still be forty-nine percent less populous than the average district in Nassau. Therefore, even if all the districting rules were deleted from the New York Constitution, the two apportionment rules mentioned above would still require the least populous district to have no more than 216,822 citizen inhabitants and the most populous district to have at least 425,267 under the census of 1960.

5. *Uniform discrimination*: Not only do the full-ratio rule and the provision for enlarging the Senate create large variations between the most and least populous senatorial districts, but they also discriminate consistently against the most populous metropolitan counties (now Bronx, Erie, Kings, Nassau, New York, and Queens) and allow the least populous counties to elect a senatorial majority.

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* 425,267 —166,715 = 258,552, which divided by 284,926 equals 90.7 percent. See Table III.

[fol. 582]

CLERK'S NOTE

Table IV—Showing "Percentage of Citizen Population and Senators In Counties Having" (omitted in printing here). See printed side folio 540, page 246, ante.

6. *Uniform discrimination caused by both provisions*: It would be incorrect to think that the full-ratio rule is responsible for all of the disparity between the senatorial representation of the most populous counties and that of the other counties. For, as shown in Table V, even if the full ratio rule were retained, the disparity between the senatorial representation of the most populous counties and that of the other counties could have been reduced if there had been no provision for enlarging the Senate.

[fol. 583]

TABLE V

	Average number of citizen inhabitants per Senator*		
		Remainder of State	
Apportionment	Counties having three or more ratios	In a 50-member Senate	In actual Senate
*1960	366,128	280,061	216,822
1953	301,178	263,984	195,859
1943	267,910	224,686	178,199
*1935	244,885	196,814	181,674
1917	170,157	153,552	148,068
1907	148,595	135,012	130,191
1894	120,682	112,835	112,835

* See note at end of Table IV *supra*.

The provision for enlarging the Senate means that the greater the population of a metropolitan county becomes, the more over-represented the less populous counties become. This is a matter of elementary arithmetic. Whenever the population of one of the most populous counties increases so that it is entitled to more Senators than it was given in 1894, these additional senate seats are not taken from the less populous counties although these counties' percentage of the State's

citizen population may actually have declined. Instead, the number of seats held by these less populous counties not only remains constant regardless of their loss of population but their number of seats actually increases [fol. 584] whenever New York, Bronx, Kings, or Erie becomes entitled to fewer seats than such county was given in 1894. Thus, seven new senatorial seats are created to give representation to the increased population of Nassau and Queens while New York County's loss of population means the transfer of three of New York County's senatorial seats to the Upstate. Consequently, abolition of the provision for enlarging the Senate would make the most populous counties' senatorial representation more nearly commensurate with their citizen population. If the next reapportionment creates a Senate of fifty rather than fifty-seven members, the six counties having almost 59 percent of the State's citizen population (Bronx, Erie, Kings, Nassau, New York, and Queens) will have 52 percent rather than 45.6 percent of the State's senators. (See Table VI and Graph based on Table VI).

[fol. 585]

TABLE VI

Apportionment	Actual number of Senators	Percent of citizen population and percent of Senators in all counties having three or more ratios		
		Population	Senators	
			50-member Senate	Actual Senate
*1960	*57	58.6	52.0	*45.6
1953	58	57.3	54.0	46.6
1943	56	58.3	54.0	48.2
*1930	*56	57.4	52.0	*46.4
*1925	*54	54.5	50.0	*44.3
1917	51	48.6	46.0	45.1
1907	51	48.4	46.0	45.1
1894	50	39.6	38.0	38.0

* No reapportionment act passed. Apportioned on the basis of the census in conformity with *In re* Fay, 291 N.Y. 198 (1943). Citizen population used in all cases.

[fol. 586]

CLERK'S NOTE

Percentage Graph showing "All Counties Having Three Or More Full Senate Ratios" (omitted in printing here). See printed side folio 541, page 247, ante.

[fol. 587]

TABLE VII

NUMBER OF SENATORS ON BASIS OF 1960 CENSUS OF CITIZEN POPULATION[a]

County	Citizen Population	Senators[b]	Citizen Population per Senator
Bronx	1,368,207	4	342,052
Erie	1,039,648	3	346,549
Kings	2,518,510	7	359,787
Nassau	1,275,801	3	425,267
New York	1,584,069	4	396,017
Queens	1,733,081	5	346,616
Subtotal	9,519,316	26	366,128
		On basis of second ratio[c]	
Albany	269,088	1	269,088
Monroe	571,029	3d	190,343
Niagara	235,677	1	235,677
Oneida	259,330	1	259,330
Onondaga	414,770	2d	207,385
Suffolk	650,112	3d	216,704
Westchester	782,179	3d	260,726
Subtotal	3,182,185	14	227,299
All other counties	3,539,285	17	208,193
Entire State	16,240,786	57	284,926

a. Data on 1960 citizen population supplied by the U. S. Bureau of Census.

b. Constitutional ratio = 324,816.

[fol. 588] 7. *The two following provisions* of the New York Constitution deprive the citizens in New York's fourteen most populous counties (Albany, Bronx, Erie, Kings, Monroe, Nassau, New York, Niagara, Oneida, Onondaga, Queens, Richmond, Suffolk, and Westchester) of equitable representation in the Assembly of the State of New York and, consequently, of an equal vote in the election of Assemblymen.

I. "The quotient obtained by dividing the whole number of inhabitants of the state, excluding aliens, by the number of members of assembly (150), shall be the ratio for apportionment, which shall be made as follows: One member of assembly shall be apportioned to every county, including Fulton and Hamilton as one county, containing less than the ratio and one-half over. Two members shall be apportioned to every other county. The remaining members of assembly shall be apportioned to the counties having more than two ratios according to the number of inhabitants, excluding aliens. Members apportioned on remainders shall be apportioned to counties having the highest remainders in the order thereof respectively. . . ." N.Y. Const., Art. III, § 5, Para. 2 (1894).

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c. Second ratio = 216,822. Sherrill v. O'Brien, 188 N.Y. 185 at 209 (1907); *In re* Fay, 291 N.Y. 198 at 213, 218 (1943); REPORT OF THE (New York) ATTORNEY GENERAL 1926 at 85-86.

d. Since 1894, it has been the practice in each of the five apportionments to give an additional Senator for a major fraction of a second ratio. LEGISLATIVE DOCUMENT (1950) No. 31 at 77-91; LEGISLATIVE DOCUMENT (1953) No. 98 at 14A-14B. Under each of the five apportionments from the time single-member senatorial districts were first adopted in 1846 until 1894, it was the practice to give an additional Senator for every major fraction of a constitutional ratio—the one and only ratio under the Constitution of 1846. 3 LINCOLN, THE CONSTITUTIONAL HISTORY OF NEW YORK 182-190 (1906); LEGISLATIVE DOCUMENT (1950) No. 31 at 92-101. Although Westchester has 3.61 second ratios, the full ratio rule prevents Westchester from receiving a fourth Senator.

II. "In counties having more than one senate district, the same number of assembly districts shall be put in each senate district, unless the assembly districts [fol. 589] cannot be evenly divided among the senate districts of any county, in which case one more assembly district shall be put in the senate district in such county having the largest, or one less assembly district shall be put in the senate district in such county having the smallest number of inhabitants, excluding aliens, as the case may require. . . ." N.Y. Const. Art. III, § 5, Para. 4 (1894).

8. *Discriminatory classification*: The second paragraph of Article III, section 5 divides the State's counties into three classes, which are hereafter referred to as First, Second, and Third class counties:

First. Counties having less than 1½ ratios or those having less than one percent of the State's total citizen population.

Second. Counties having from 1½ to 2 ratios or those having from one to one and one-third percent of the State's total citizen population.

Third. Counties having more than two ratios or those having more than one and one-third percent of the State's total citizen population.

This three-class system now discriminates against citizens living in the State's fourteen most populous counties. Under the 1960 citizen census, the ratio will be 108,272. One and a half ratios will equal 162,408. One As- [fol. 590] semblyman will be apportioned to each of the forty-four counties (with Fulton and Hamilton combined) having less than 162,408 citizen inhabitants. Two Assemblymen will then be apportioned to each of the seventeen other counties. This will leave 72 seats to be distributed among the fourteen Third Class counties. This means that forty-four seats will be apportioned to First Class counties, which have a citizen population of 2,761,656 or 62,765 citizen inhabitants per seat. Six seats will be apportioned to three Second Class counties,

representing 93,478 citizen inhabitants per seat. The remaining one hundred will be apportioned to the fourteen Third Class counties, which have a total citizen population of 12,918,265 or 129,183 citizen inhabitants per seat.

CLERK'S NOTE

Table VIII—Showing "Average Citizen population per Assemblyman in counties of" (omitted in printing here). See printed side folio 542, page 248, ante.

[fol. 591] 9. *Increased number of First Class counties*: The real cause for the Third Class counties' growing under-representation is the increased number of First Class counties falling below the ratio. In 1894, the First Class counties were apportioned only two seats more than was commensurate with their proportion of the State's representative population, because only 21 were below the ratio while 15 had unrepresented remainders. Today, however, there are 38 counties below the ratio and only six First Class counties with unrepresented remainders. Consequently, at the next apportionment, the First Class counties will receive eighteen seats more than is commensurate with their share of the State's population.

TABLE IX

Census	Number of counties having assembly ratios equal to: Less than one	From 1 to 1½	From 1½ to 2	Two or more	Total
*1960	38	6	3	14	61
1950	40	5	4	12	61
1940	38	7	4	12	61
*1930	37	5	8	11	61
*1925	34	8	8	11	61
1915	31	8	10	12	61
1905	29	12	8	11	60
1892	21	15	9	14	59
Class	First		Second	Third	State

* See note at end of Table VIII *supra*.

[fol. 592] 10. *Fixed number of Assemblymen*: Because the size of the Assembly is limited to 150 members and because each county is guaranteed at least one seat, arithmetic necessity requires the counties falling below the ratio to receive their over-representation at the expense of the Third Class counties. Therefore, as the number of counties falling below the ratio increases, the more under-represented the Third Class counties become in relation to the other counties.

CLERK'S NOTE

Table X—Showing "Percent of citizen inhabitants and of assembly seats in counties of the" (omitted in printing here). See printed side folio 543, page 249, ante.

[fol. 593] 11. *"Remaining Members":* The under-representation of the Third Class counties is quite unrelated to the controversy about which of eight or more formulae should be used for apportioning "remaining Members" (LEGISLATIVE DOCUMENT (1935) No. 85 at 18-27). These formulae relate *only* to the apportionment of assembly seats after one seat has been assigned to each county having less than 1½ ratios and two have been apportioned to all other counties. Under the 1960 census, these formulae would relate only to the distribution of 72 seats among the Third Class counties. For all practical purposes, the selection of the equal proportions or major-fractions formula instead of the Brown formula will mean shifting one seat each from Monroe and Onondaga counties to Bronx and Kings counties. These formulae simply have nothing to do with the apportionment of Assemblymen to the First and Second Class counties. The choice of an apportionment formula for distributing "remaining Members" under the present New York Constitution simply determines which of the fourteen Third Class counties will suffer the greatest inequity.

[fol. 594]

TABLE XI

CITIZEN CENSUS OF 1960*

All Counties Having More than Two Constitutional Ratios	Number of Constitutional Ratios	Number of Assembly Seats Under Various Formulae				
			Using Second Ratio			Major Fractions of Equal Proportions
		Cullen	Tuttle	Brown	McQuade	
Albany	2.49	2	2	2	4	2
Bronx	12.64	11	11	10	10	11
Erie	9.60	8	8	8	8	8
Kings	23.26	21	20	19	16	20
Monroe	5.27	4	4	5	5	4
Nassau	11.78	10	10	10	9	10
New York	14.63	13	12	12	11	12
Niagara	2.18	2	2	2	3	2
Oneida	2.40	2	2	2	3	2
Onondaga	3.83	2	3	4	4	3
Queens	16.01	14	13	13	12	13
Richmond	2.00	2	2	2	3	2
Suffolk	6.00	4	5	5	6	5
Westchester	7.22	5	6	6	6	6
Total	119.31	100	100	100	100	100

*Supplied by U. S. Bureau of the census. See also LEGISLATIVE DOCUMENT (1935) NO. 85 at 18-27.

MORE

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[fol. 595] 12. *Three alternatives*: Equitable representation in the New York Assembly can be given to the State's fourteen most populous counties in only one of three ways: (1) greatly enlarging the total number of Assemblymen, (2) abolishing the guarantee of separate representation to each of the State's thirty-eight counties that are below the ratio, or (3) electing the State's 150 Assemblymen in the state-at-large.

13. *The districting rule:* The fourth paragragh of Article III, section 5, which requires an assembly district to lie wholly in the same senatorial district, produces even greater population differentials between assembly districts than appear in Tables VIII and X *supra*. Onondaga, for example, now has two Senators and three Assemblymen. This means that one Assemblyman is elected in one of Onondaga's senatorial districts while Onondaga's other senatorial district has been divided into two assembly districts. Since Onondaga's two senatorial districts each have the same number of citizen inhabitants as required by the New York Constitution,* one of Onondaga's assembly districts contains twice as many citizen inhabitants as either of the other two does. Moreover, this rule, which precludes dividing an [fol. 596] assembly district between two senatorial districts, required similar population inequalities between assembly districts in Erie, Kings, New York, and Queens counties as well as in Onondaga County under the apportionment of 1953 (Table XII *infra*) and will require even more population inequalities between assembly districts under the next reapportionment (Table XIII and Table XIV *infra*).

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* ". . . nor shall any (senate) district contain a greater excess in population over an adjoining district in the same county, than the population of a town or block therein adjoining such district. Counties, towns or blocks which, from their location, may be included in either of two districts, shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens." N.Y. Const., Art. III, § 4, Para. 1 (1894).

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TABLE XII

ASSEMBLY DISTRICTS IN ALL COUNTIES HAVING TWO OR MORE SENATE DISTRICTS UNDER APPORTIONMENT OF 1953

County	Total Number of Senate Districts	Total Number of Assembly Districts	Number of Senate Districts	Number of Assembly Districts in Each Senate District	1950 Citizen Population in Each Assembly District** Range	Average
Bronx	4	12	4	3	114,832-114,857	114,848
Erie	3	8	-	-	97,610-146,423	109,813
			2	3	97,610--97,613	97,612
			1	2	146,408-146,423	146,416
Kings	9	22	-	-	96,114-144,182	117,963
			4	3	96,114--96,123	96,119
			5	2	144,171-144,182	144,176
Monroe	2	4	2	2	118,753-118,766	118,759
Nassau	3	6	3	2	81,361-137,201*	109,282
New York	6	16	-	-	99,755-149,655	112,233
			4	3	99,755--99,770	99,763
			2	2	149,630-149,655	149,643
Onondaga	2	3	-	-	83,613-167,226	111,484
			1	2	83,613--83,614	83,613½
			1	1	167,226	167,226
Queens	5	13	-	-	98,947-148,421	114,170
			3	3	98,947--99,158	99,018
			2	2	148,107-148,421	148,264
Westchester	3	6	3	2	98,874-101,686*	100,280

* Differential caused by rule: "No town, except a town having more than a ratio of apportionment and one-half over . . . shall be divided in the formation of assembly district, ..." N.Y. Const., Art. III, § 5, Para. 4. This means that no town can be divided unless it contains more than one and one-third percent of the State's total citizen population.

**Tabulated from statistics in THE [NEW YORK] CITY RECORD (June 3, 1954) at 4082-4086, 4088-4093, and from those supplied by Mr. C. Burr Reed, former Executive Clerk to the Joint Legislative Committee on Reapportionment.

TABLE XIII

ASSEMBLY DISTRICTS IN ALL COUNTIES ENTITLED TO TWO OR MORE SENATE DISTRICTS UNDER CITIZEN CENSUS OF 1960

County	Total Number of Sentate Districts	Total Number of Assembly Districts[a]	Number of Senate Districts	Number of Assembly Districts in Each Senate District	Approximate 1960 Population in Each Assembly District[b]
Bronx	4	10	-	-	136,821
			2	3	114,017
			2	2	171,026
Erie	3	8	-	-	129,956
			2	3	115,516
			1	2	173,275
Kings	7	19	-	-	132,553
			5	3	119,929
			2	2	179,894
Monroe	3[c]	5	-	-	114,206
			2	2	95,172
			1	1	190,343
Nassau	3	10	-	-	127,580
			2	3	141,756
			1	4	106,317
New York	4	12	4	3	132,006
Onondaga	2[c]	4	2	2	103,693
Queens	5	13	-	-	133,314
			3	3	115,539
			2	2	173,308
Suffolk	3[c]	5	-	-	130,022
			2	2	108,352
			1	1	216,704
Westchester	3	6	3	2	130,363

a. Apportioned according to the Brown formula. LEGISLATIVE DOCUMENT (1953) NO. 98 at 11-12; Matter of Dowling, 219 N.Y. 44 at 59 (1916).

b. Data on 1960 citizen population supplied by the U.S. Bureau of the Census.

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Bronx	10	11	4+	4+
Erie	8	8	3+	3+
Kings	19	19	7+	7+
Nassau	10	10	3+	3+
New York	12	12	4+	5+
Queens	13	13	5+	5+

			Number of second ratios	
			Citizen Population	Total Population
Albany	2	2	1.24	1.19
Monroe	5	5	2.63	2.57
Niagara	2	2	1.09	1.06
Oneida	2	2	1.20	1.16
Onondaga	4	3	1.91	1.85
Richmond	2	2	1.00-	0.97 +
Suffolk	5	5	3.00-	2.92
Westchester	6	6	3.61	3.54

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* Data on 1960 census of citizen and total populations supplied by the U. S. Bureau of the Census. Assemblymen apportioned according to the Brown formula. LEGISLATIVE DOCUMENT NO. 98 at 11-12; Matter of Dowling, 219 N.Y. 44 at 59 (1916).

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			1	2	173,275
Kings	7	19	-	-	132,553
			5	3	119,929
			2	2	179,894
Monroe	3[c]	5	-	-	114,206
			2	2	95,172
			1	1	190,343
Nassau	3	10	-	-	127,580
			2	3	141,756
			1	4	106,317
New York	4	12	4	3	132,006
Onondaga	2[c]	4	2	2	103,693
Queens	5	13	-	-	133,314
			3	3	115,539
			2	2	173,308
Suffolk	3[c]	5	-	-	130,022
			2	2	108,352
			1	1	216,704
Westchester	3	6	3	2	130,363

a. Apportioned according to the Brown formula. LEGISLATIVE DOCUMENT (1953) NO. 98 at 11-12; Matter of Dowling, 219 N.Y. 44 at 59 (1916).

b. Data on 1960 citizen population supplied by the U.S. Bureau of the Census.

c. Since 1894, it has been the practice in each of the five apportionments (excluding those of 1906 and 1916 which were held invalid) to give an additional Senator for a major fraction of a second ratio. LEGISLATIVE DOCUMENT (1950) NO. 31 at 77-91; LEGISLATIVE DOCUMENT (1953) NO. 98 at 14A-14B. Under the five apportionments from the time single-member senatorial districts were first adopted in 1846 until 1894, it was the practice to give an additional Senator for every major fraction of a constitutional ratio --- the one and only ratio under the Constitution of 1846. 3 LINCOLN, THE CONSTITUTIONAL HISTORY OF NEW YORK 182-190 (1906); LEGISLATIVE DOCUMENT (1950) NO. 31 at 92-101.

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TABLE XIV

APPORTIONMENT OF ASSEMBLYMEN ON BASIS OF 1960 CENSUS OF CITIZEN POPULATION*

Rank	County	1960 Citizen Population in Each Assembly District
1	Schuyler	14,974
2	Yates	18,552
3	Schoharie	22,410
4	Lewis	23,064
5	Greene	30,931
6	Putnam	31,006
7	Seneca	31,235
8	Orleans	33,845
9	Wyoming	34,534
10	Essex	34,987
11	Tioga	37,610
12	Cortland	40,685
13	Chenango	42,979
14	Delaware	43,237
15	Warren	43,594
16	Livingston	43,690
17	Allegany	43,759
18	Franklin	43,915
19	Sullivan	44,434
20	Columbia	46,734
21	Washington	48,135
22	Otsego	51,588
23	Genesee	53,416
24	Madison	54,262
25	Fulton & Hamilton	55,067
26	Montgomery	56,287
27	Tompkins	64,227
28	Herkimer	65,218
29	Wayne	67,344
30	Ontario	67,410
31	Clinton	71,389
32	Cayuga	73,240
33	Cattaraugus	79,548
34	Oswego	85,356
35--36	Dutchess (2 districts)	approx. 85,698
37	Jefferson	86,606
38	Saratoga	88,124

Kings	2,518,510	7	359,787
Nassau	1,275,801	3	425,267
New York	1,584,069	4	396,017
Queens	1,733,081	5	346,616
Subtotal	9,519,316	26	366,128
All other counties	6,721,470	31[c]	216,822
Entire State	16,240,786	57[c]	284,926
			ratio = 324,816

a. See Table XV supra.

b. Data on 1960 citizen population supplied by the U.S. Bureau of the Census.

c. Total number of Senators determined in conformity with In re Fay, 291 N.Y. 198 (1943) as follows:

All counties now having three or more full ratios	Number of Senators apportioned by Convention of 1894	Number of Senators according to Census of 1960	Gain
Bronx New York	12	4 4	--
Erie	3	3	0
Kings	7	7	0
Nassau Queens	1	3 5	+ 7
		Additional Senators	+ 7
		Basic number of Senators	50
		Total number of Senators	57

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31	Clinton		71,389
32	Cayuga		73,240
33	Cattaraugus		79,548
34	Oswego		85,356
35--36	Dutchess (2 districts)	approx.	85,698
37	Jefferson		86,606
38	Saratoga		88,134
39--40	Orange (2 districts)	approx.	89,937
41--44	Monroe (4 districts)	approx.	95,172**
45	Steuben		97,176
46	Chemung		97,891
47--50	Onondaga (4 districts)	approx.	103,693
51--52	Broome (2 districts)	approx.	104,799
53--56	Nassau (4 districts)	approx.	106,317**
******	NEW YORK STATE AVERAGE		108,272
57--60	Suffolk (4 districts)	approx.	108,352**
61--62	Richmond (2 districts)	approx.	108,382
63	St. Lawrence		109,082
64--69	Bronx (6 districts)	approx.	114,017**
70--75	Erie (6 districts)	approx.	115,516**
76--84	Queens (9 districts)	approx.	115,539**
85	Ulster		116,818
86--87	Niagara (2 districts)	approx.	117,839
88--102	Kings (15 districts)	approx.	119,929**
103--104	Oneida (2 districts)	approx.	129,665
105--110	Westchester (6 districts)	approx.	130,363
111	Rockland		131,834
112--123	New York (12 districts)	approx.	132,006
124--125	Albany (2 districts)	approx.	134,544
126	Rensselaer		140,933
127--132	Nassau (6 districts)	approx.	141,756**
133	Chautauqua		143,832
134	Schenectady		150,688
135--138	Bronx (4 districts)	approx.	171,026**
139--140	Erie (2 districts)	approx.	173,275**
141--144	Queens (4 districts)	approx.	173,308**
145--148	Kings (4 districts)	approx.	179,894**
149	Monroe (1 district)	approx.	190,343**
150	Suffolk (1 district)	approx.	216,704**

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* Data on 1960 citizen population supplied by the U. S. Bureau of the Census. Assemblymen apportioned according to the Brown formula. LEGISLATIVE DOCUMENT (1953) NO. 98, at 11-12; Matter of Dowling, 219 N.Y. 44 at 59 (1916).

** Assembly districts distributed among senatorial districts in conformity

86--87	Niagara (2 districts)	approx.	...7,639
88--102	Kings (15 districts)	approx.	119,929**
103--104	Oneida (2 districts)	approx.	129,665
105--110	Westchester (6 districts)	approx.	130,363
111	Rockland		131,834
112--123	New York (12 districts)	approx.	132,006
124--125	Albany (2 districts)	approx.	134,544
126	Rensselaer		140,933
127--132	Nassau (6 districts)	approx.	141,756**
133	Chautauqua		143,832
134	Schenectady		150,688
135--138	Bronx (4 districts)	approx.	171,026**
139--140	Erie (2 districts)	approx.	173,275**
141--144	Queens (4 districts)	approx.	173,308**
145--148	Kings (4 districts)	approx.	179,894**
149	Monroe (1 district)	approx.	190,343**
150	Suffolk (1 district)	approx.	216,704**

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* Data on 1960 citizen population supplied by the U. S. Bureau of the Census. Assemblymen apportioned according to the Brown formula. LEGISLATIVE DOCUMENT (1953) NO. 98, at 11-12; Matter of Dowling, 219 N.Y. 44 at 59 (1916).

** Assembly districts distributed among senatorial districts in conformity with the requirement: "In counties having more than one senate district, the same number of assembly districts shall be put in each senate district, unless the assembly districts cannot be evenly divided among the senate districts in any county, in which case one more assembly district shall be put in the senate district in such county having the largest, or one less assembly district shall be put in the senate district in such county having the smallest number of inhabitants." N.Y. Const., Art. III, § 5, Para. 4 (1894). The population in districts in the multi-member counties may vary due to the rule precluding the division of towns and blocks. Ibid.

[fol. 600] 14. *Citizen and total population*: Since the ratio between citizens and non-citizens is now approximately the same in every county (Table XVIII *infra*), the inclusion of aliens in the apportionment base is usually a matter of little or no practical consequence. Yet, the State disbursed almost $300,000 to have the citizen census tabulations made after the 1950 census and has disbursed, or is now preparing to disburse, approximately $400,000 to have the 1960 citizen population tabulated. Inclusion of aliens in the apportionment base in 1953, however, would not have transferred a single Senator or Assemblyman from one county to another. The distribution of Senators and Assemblymen would have been precisely the same if total population rather than citizen population had been used for apportionment purposes in 1953. The use of citizen population rather than total population at the next apportionment will mean one more Assemblyman for Onondaga County and one less for Bronx County. Similarly, it will mean one less Senator for New York County and one more for the less-populous upstate counties. Thus, the State is taxing New York City residents to pay approximately $400,000 to get an apportionment base that will discriminate against New York City even more than would be the case if total population (rather than citizen population) were used for the next apportionment.

TABLE XV*

All Third Class Counties Under Census of 1960	Number of Assemblymen*		Number of Senate Ratios	
	Citizen Population	Total Population	Citizen Population	Total Population
Bronx	10	11	4+	4+
Erie	8	8	3+	3+
Kings	19	19	7+	7+
Nassau	10	10	3+	3+
New York	12	12	4+	5+
Queens	13	13	5+	5+

	Number of second ratios	
	Citizen Population	Total Population
Albany	2	2	1.24	1.19
Monroe	5	5	2.63	2.57
Niagara	2	2	1.09	1.06
Oneida	2	2	1.20	1.16
Onondaga	4	3	1.91	1.85
Richmond	2	2	1.00-	0.97+
Suffolk	5	5	3.00-	2.92
Westchester	6	6	3.61	3.54

* Data on 1960 census of citizen and total populations supplied by the U. S. Bureau of the Census. Assemblymen apportioned according to the Brown formula. LEGISLATIVE DOCUMENT NO. 98 at 11-12; Matter of

Essex[e]	96.9	96.0	95.2	97.6	96.8	98.0	98.4	99.1
Franklin	93.0	91.3	92.5	95.3	94.8	96.8	98.0	98.2
Fulton & Hamilton[e]	96.3	96.1	92.7	95.1	95.6	97.1	98.3	99.1
Genesee	96.7	95.6	90.5	93.0	94.4	96.4	98.1	98.9
Greene	99.0	97.4	96.2	96.7	97.1	97.0	97.7	98.6
Herkimer	96.4	94.8	87.9	92.1	93.7	95.4	97.2	98.3
Jefferson	94.2	92.8	92.4	93.9	94.9	96.7	97.7	98.6
Lewis	97.2	97.6	95.4	96.1	96.5	97.6	98.5	99.2
Livingston[f]	95.8	95.9	92.9	95.6	96.6	97.6	98.6	99.2
Madison	98.7	98.4	95.7	97.3	98.0	98.4	98.7	99.3
Monroe	90.6	94.2	88.0	91.1	92.2	95.3	97.4	97.4
Montgomery	95.1	93.4	85.3	90.6	92.1	94.6	96.7	98.3
Nassau[d]	----	88.6	85.2	89.1	90.0	94.2	97.5	98.1
Niagara	91.9	91.2	84.6	97.1	88.5	93.0	96.9	97.3
Oneida	94.7	94.3	86.5	90.8	92.9	95.4	97.1	98.1
Onondaga	94.2	95.1	90.9	92.6	93.5	95.9	97.9	98.0
Ontario[f]	96.4	96.2	95.0	96.6	96.9	97.8	98.5	99.0
Orange	95.4	93.9	91.6	94.8	95.3	96.4	97.5	97.9
Orleans	93.4	96.0	92.4	95.5	95.9	96.9	98.2	99.1
Oswego	97.3	98.2	93.8	96.1	96.6	97.6	98.4	99.1
Otsego	99.0	98.9	97.3	97.8	97.9	98.0	98.7	99.3
Putnam	93.6	92.3	91.9	94.4	93.6	96.6	96.9	97.7
Rennselaer	94.4	96.8	95.3	95.8	95.8	97.1	98.0	98.8
Rockland	92.9	91.6	90.3	94.2	94.5	95.0	96.5	96.4
St. Lawrence	93.5	94.2	92.1	92.2	92.5	95.3	97.6	98.1
Saratoga	95.8	96.6	93.3	94.9	94.9	96.8	98.1	98.9
Schenectady	92.5	90.9	87.5	91.3	92.6	95.4	97.8	98.6
Schoharie	99.5	98.6	97.5	97.9	98.5	97.6	97.9	99.1
Schuyler	96.8	98.7	97.0	98.0	98.2	98.8	99.2	99.5
Seneca	97.7	97.8	94.6	95.0	94.9	96.0	96.6	97.7
Steuben	98.7	98.6	97.2	98.1	98.3	98.7	99.3	99.5
Suffolk	92.6	92.6	88.4	89.9	90.6	92.7	94.5	97.5
Sullivan	98.7	96.5	91.8	90.7	94.0	94.7	96.6	98.1
Tioga	99.0	98.8	98.2	97.6	97.8	98.0	98.9	99.5
Tompkins	98.7	97.7	95.5	96.1	96.6	97.3	97.9	97.1

TABLE X

APPORTIONMENT BASED ON CITIZ

County	Citizen Population[b]
Bronx	1,368,207
Erie	1,039,648
Kings	2,518,510
Nassau	1,275,801
New York	1,584,069
Queens	1,733,081
Subtotal	9,519,316
All other counties	6,721,470
Entire State	16,240,786

a. See Table XV supra.

b. Data on 1960 citizen population s
the Census.

c. Total number of Senators determin
291 N.Y. 198 (1943) as follows:

All counties now having three or more full ratios	Number of Se apportione Convention o
Bronx New York	12
Erie	3
Kings	7
Nassau Queens	1

XVI

IZEN POPULATION IN 1960[a]

Senators	Citizen Population per Senator
4	342,052
3	346,549
7	359,787
3	425,267
4	396,017
5	346,616
26	366,128
31[c]	216,822
57[c]	284,926
	ratio = 324,816

supplied by the U.S. Bureau of

ined in conformity with In re Fay,

Senators ned by of 1894	Number of Senators according to Census of 1960	Gain
	4 4	--
	3	0
	7	0
	3 5	+ 7

[fol. 602]

	Total	Citizen	Alien			
1 Albany	272,926	269,088	3,838			
2 Allegany	43,978	43,759	219			
3 Bronx	1,424,815	1,368,207	56,608			
4 Broome	212,661	209,597	3,064			
5 Cattaraugus	80,187	79,548	639			
6 Cayuga	73,942	73,240	702			
7 Chautauqua	145,377	143,832	1,545			
8 Chemung	98,706	97,891	815			
9 Chenango	43,243	42,979	264			
10 Clinton	72,722	71,389	1,333			
11 Columbia	47,322	46,734	588			
12 Cortland	41,113	40,685	428			
13 Delaware	43,540	43,237	303			
14 Dutchess	176,008	171,395	4,613			
15 Erie	1,064,688	1,039,648	25,040			
16 Essex	35,300	34,987	313			
17 Franklin	44,742	43,915	827			
18 Fulton	51,304	50,847	457			
19 Genesee	53,994	53,416	578			
20 Greene	31,372	30,931	441			
21 Hamilton	4,267	4,220	47			
22 Herkimer	66,370	65,218	1,152			
23 Jefferson	87,835	86,606	1,229			
24 Kings	2,627,319	2,518,510	108,809			
25 Lewis	23,249	23,064	185			
26 Livingston	44,053	43,690	363			
27 Madison	54,635	54,262	373			
28 Monroe	586,387	571,029	15,358			
29 Montgomery	57,240	56,287	953			
30 Nassau	1,300,171	1,275,801	24,370			
31 New York	1,698,281	1,584,069	114,212			

MORE

[fol. 605]

TABLE XVII

APPORTIONMENT BASED ON CITIZEN POPULATION IN 1960[a]

Third Class Counties	Population[b]	Assemblymen	Population per Assemblyman
Albany	269,088	2	134,544
Bronx	1,368,207	10	136,821
Erie	1,039,648	8	129,956
Kings	2,518,510	19	132,553
Monroe	571,029	5	114,206
Nassau	1,275,801	10	127,580
New York	1,584,069	12	132,006
Niagara	235,677	2	117,839
Oneida	259,330	2	129,665
Onondaga	414,770	4	103,693
Queens	1,733,081	13	133,314
Richmond	216,764	2	108,382
Suffolk	650,112	5	130,022
Westchester	782,179	6	130,363
Subtotal	12,918,265	100[c]	129,183
Second Class Counties			
Broome	209,597	2	104,799
Dutchess	171,395	2	85,698
Orange	179,873	2	89,937
Subtotal	560,865	6	93,478
First Class Counties			

[fol. 603]

Kings	2,518,510	19	132,553
Monroe	571,029	5	114,206
Nassau	1,275,801	10	127,580
New York	1,584,069	12	132,006
Niagara	235,677	2	117,839
Oneida	259,330	2	129,665
Onondaga	414,770	4	103,693
Queens	1,733,081	13	133,314
Richmond	216,764	2	108,382
Suffolk	650,112	5	130,022
Westchester	782,179	6	130,363
Subtotal	12,918,265	100[c]	129,183
Second Class Counties			
Broome	209,597	2	104,799
Dutchess	171,395	2	85,698
Orange	179,873	2	89,937
Subtotal	560,865	6	93,478
First Class Counties			
45 counties (including Hamilton)	2,761,656	44	62,765
New York State Total	16,240,786	150	ratio = 108,272

a. See Table XV supra.

b. Data on 1960 citizen population supplied by the U. S. Bureau of the Census.

c. 72 "remaining Members" apportioned to Third Class counties according to the Brown formula. LEGISLATIVE DOCUMENT (1953) NO. 98 at 11-12.

[fol. 603]

TABLE XVIII

CITIZEN PERCENTAGE OF TOTAL POPULATION

AREA	1892	1905	1915	1925	1930	1940	1950	1960
NEW YORK STATE	88.9	87.6	83.2	86.6	88.1	92.0	95.8	96.8
NEW YORK CITY	82.3	80.4	76.1	80.9	83.7	89.0	94.3	95.4
Bronx[a]	----	----	80.1	83.4	84.2	89.0	95.0	96.0
Kings[b]	87.3	86.8	80.1	81.6	84.3	89.2	94.8	95.9
New York[a,c]	79.0	75.5	68.9	74.9	78.9	85.5	91.6	93.3
Queens[b,d]	87.4	90.7	88.5	90.4	89.4	92.8	95.7	95.8
Richmond	87.2	91.2	86.0	88.7	89.4	94.0	96.6	97.6
REMAINDER OF STATE	94.5	94.7	90.9	93.0	93.5	95.8	97.5	98.0
Albany	93.7	95.6	92.2	94.5	94.7	96.3	97.8	98.6
Allegany	98.9	97.6	98.1	99.2	99.1	99.4	99.3	99.5
Broome	98.1	96.8	91.8	92.3	94.3	96.9	98.3	98.6
Cattaraugus	96.6	95.8	92.6	97.1	97.4	97.8	98.8	99.2
Cayuga	96.4	96.5	93.8	94.6	95.4	96.5	98.4	99.1
Chautauqua	93.6	94.9	91.5	94.1	94.7	96.2	98.5	98.9
Chemung	97.1	98.6	96.4	97.4	97.8	98.3	99.0	99.2
Chenango	98.7	98.6	97.5	98.4	98.4	98.5	99.0	99.4
Clinton	95.5	96.5	95.1	95.6	96.0	97.4	97.8	98.2
Columbia	97.3	96.3	92.3	95.2	95.3	96.5	97.5	98.8
Cortland	98.9	98.0	95.9	97.2	97.4	98.1	99.0	99.0
Delaware	98.9	98.3	96.6	97.8	98.2	98.3	98.7	99.3
Dutchess	95.8	95.4	92.3	94.2	93.4	94.8	96.5	97.4
Erie	87.7	92.6	88.6	91.9	92.7	95.8	97.7	97.6
Essex[e]	96.9	96.0	95.2	97.6	96.8	98.0	98.4	99.1
Franklin	93.0	91.3	92.5	95.3	94.8	96.8	98.0	98.2
Fulton & Hamilton[e]	96.3	96.1	92.7	95.1	95.6	97.1	98.3	99.1
Genesee	96.7	95.6	90.5	93.0	94.4	96.4	98.1	98.9

Otsego	99.0	98.9	97.3	97.8	97.9	98.0	98.7	99.3
Putnam	93.6	92.3	91.9	94.4	93.6	96.6	96.9	97.7
Rennselaer	94.4	96.8	95.3	95.8	95.8	97.1	98.0	98.8
Rockland	92.9	91.6	90.3	94.2	94.5	95.0	96.5	96.4
St. Lawrence	93.5	94.2	92.1	92.2	92.5	95.3	97.6	98.1
Saratoga	95.8	96.6	93.3	94.9	94.9	96.8	98.1	98.9
Schenectady	92.5	90.9	87.5	91.3	92.6	95.4	97.8	98.6
Schoharie	99.5	98.6	97.5	97.9	98.5	97.6	97.9	99.1
Schuyler	96.8	98.7	97.0	98.0	98.2	98.8	99.2	99.5
Seneca	97.7	97.8	94.6	95.0	94.9	96.0	96.6	97.7
Steuben	98.7	98.6	97.2	98.1	98.3	98.7	99.3	99.5
Suffolk	92.6	92.6	88.4	89.9	90.6	92.7	94.5	97.5
Sullivan	98.7	96.5	91.8	90.7	94.0	94.7	96.6	98.1
Tioga	99.0	98.8	98.2	97.6	97.8	98.0	98.9	99.5
Tompkins	98.7	97.7	95.5	96.1	96.6	97.3	97.9	97.1
Ulster	97.4	96.1	93.7	95.2	96.3	96.6	97.5	98.3
Warren	98.4	97.4	96.1	97.7	97.6	98.3	98.7	99.1
Washington	97.2	96.2	95.3	97.0	97.0	97.9	98.3	99.3
Wayne	96.4	96.8	93.7	96.3	97.2	98.0	98.8	99.1
Westchester[c]	89.1	88.5	84.9	88.9	88.9	93.6	96.1	96.7
Wyoming	96.9	98.2	95.5	96.9	97.0	97.7	98.3	99.3
Yates	97.7	98.3	96.9	98.3	98.4	98.6	99.1	99.7

Computed from statistics in the following sources: Legislative Manual (1895), pp. 171-214; ibid. (1935), pp. 860-861; Legislative Document (1935) No. 85, p. 57; ibid. (1942) No. 59, pp. 32-33, 36-37; ibid. (1953) No. 98, p. 14. All statistics used and, consequently, all computations are for the county as it was constituted at the time of the census. Data on 1960 census supplied by U.S. Bureau of the Census. See Table XIX infra.

a. Part of New York taken to form Bronx, 1914.

b. Parts of Queens annexed to Kings, 1915 and 1925. Part of Kings annexed to Queens, 1925.

c. Part of Westchester annexed to New York, 1895.

d. Part of Queens taken to form Nassau, 1899. Part of Queens annexed to Nassau, 1928.

e. Part of Essex annexed to Hamilton, 1915.

f. Part of Ontario annexed to Livingston, 1922.

CITIZENSHIP OF THE POPULATION OF NEW YORK CITY: 1960

County	1960 Population		
	Total	Citizen	Alien
Bronx	1,424,815	1,368,207	56,608
Kings	2,627,319	2,518,510	108,809
New York	1,698,281	1,584,069	114,212
Queens	1,809,578	1,733,081	76,497
Richmond	221,991	216,764	5,227
New York City	7,781,984	7,420,631	361,353

TABLE XIX

CENSUS OF 1960

(Supplied by the U. S. Bureau of the Census)

Form BC-185
(6-1-60)

NEW YORK.
(Code 21)

U.S. DEPARTMENT OF COMMERCE
BUREAU OF THE CENSUS

Title

CITIZENSHIP OF THE POPULATION FOR NEW YORK: 1960

COUNTY Number of counties, 62	1960 POPULATION					
	Total	Citizen	Alien			
1 Albany	272,926	269,088	3,838			
2 Allegany	43,978	43,759	219			
3 Bronx	1,424,815	1,368,207	56,608			
4 Broome	212,661	209,597	3,064			
5 Cattaraugus	80,187	79,548	639			
6 Cayuga	73,942	73,240	702			
7 Chautauqua	145,377	143,832	1,545			
8 Chemung	98,706	97,891	815			
9 Chenango	43,243	42,979	264			
10 Clinton	72,722	71,389	1,333			
11 Columbia	47,322	46,734	588			
12 Cortland	41,113	40,685	428			
13 Delaware	43,540	43,237	303			
14 Dutchess	176,008	171,395	4,613			
15 Erie	1,064,688	1,039,648	25,040			
16 Essex	35,300	34,987	313			
17 Franklin	44,742	43,915	827			
18 Fulton	51,304	50,847	457			
19 Genesee	53,994	53,416	578			
20 Greene	31,372	30,931	441			

[fol. 605]

TABLE XIX

CENSUS OF 1960

(Supplied by the U. S. Bureau of the Census)

NEW YORK - Con.

COUNTY	1960 POPULATION					
	Total	Citizen	Alien			
32 Niagara	242,269	235,677	6,592			
33 Oneida	264,401	259,330	5,071			
34 Onondaga	423,028	414,770	8,258			
35 Ontario	68,070	67,410	660			
36 Orange	183,734	179,873	3,861			
37 Orleans	34,159	33,845	314			
38 Oswego	86,118	85,356	762			
39 Otsego	51,942	51,588	354			
40 Putnam	31,722	31,006	716			
41 Queens	1,809,578	1,733,081	76,497			
42 Rensselaer	142,585	140,933	1,652			
43 Richmond	221,991	216,764	5,227			
44 Rockland	136,803	131,834	4,969			
45 St. Lawrence	111,239	109,082	2,157			
46 Saratoga	89,096	88,134	962			
47 Schenectady	152,896	150,688	2,208			
48 Schoharie	22,616	22,410	206			
49 Schuyler	15,044	14,974	70			
50 Seneca	31,984	31,235	749			
51 Steuben	97,691	97,176	515			
52 Suffolk	666,784	650,112	16,672			
53 Sullivan	45,272	44,434	838			

[Vol. 609]

32	Niagara	242,269	235,677	6,592			
33	Oneida	264,401	259,330	5,071			
34	Onondaga	423,028	414,770	8,258			
35	Ontario	68,070	67,410	660			
36	Orange	183,734	179,873	3,861			
37	Orleans	34,159	33,845	314			
38	Oswego	86,118	85,356	762			
39	Otsego	51,942	51,588	354			
40	Putnam	31,722	31,006	716			
41	Queens	1,809,578	1,733,081	76,497			
42	Rensselaer	142,585	140,933	1,652			
43	Richmond	221,991	216,764	5,227			
44	Rockland	136,803	131,834	4,969			
45	St. Lawrence	111,239	109,082	2,157			
46	Saratoga	89,096	88,134	962			
47	Schenectady	152,896	150,688	2,208			
48	Schoharie	22,616	22,410	206			
49	Schuyler	15,044	14,974	70			
50	Seneca	31,984	31,235	749			
51	Steuben	97,691	97,176	515			
52	Suffolk	666,784	650,112	16,672			
53	Sullivan	45,272	44,434	838			
54	Tioga	37,802	37,610	192			
55	Tompkins	66,164	64,227	1,937			
56	Ulster	118,804	116,818	1,986			
57	Warren	44,002	43,594	408			
58	Washington	48,476	48,135	341			
59	Wayne	67,989	67,344	645			
60	Westchester	808,891	782,179	26,712			
61	Wyoming	34,793	34,534	259			
62	Yates	18,614	18,552	62			
	Total	16,782,304	16,240,786	541,518			

FORM DD-100 (4-1-60)

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[fol. 606]

TABLE XIX

CENSUS OF 1960

(Supplied by the U. S. Bureau of the Census)

U.S.DEPARTMENT OF COMMERCE
Bureau of the Census
Washington 25, D. C.

CITIZENSHIP OF THE POPULATION OF NEW YORK CITY: 1960

County	1960 Population		
	Total	Citizen	Alien
Bronx	1,424,815	1,368,207	56,608
Kings	2,627,319	2,518,510	108,809
New York	1,698,281	1,584,069	114,212
Queens	1,809,578	1,733,081	76,497
Richmond	221,991	216,764	5,227
New York City	7,781,984	7,420,631	361,353

[fol. 611] [File endorsement omitted]

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

#28089

61 Civ. 1559

W.M.C.A., INC., R. PETER STRAUS, JOSEPH DE MAIO, EDWARD LIND, S. THOMAS DELANEY, EDWARD C. BROWN, JAMES J. MCCAFFERTY, Plaintiffs,

—against—

CAROLINE K. SIMON, Secretary of State of the State of New York, LOUIS J. LEFKOWITZ, Attorney General of the State of New York, PAUL R. SCREVANE, President of the City Council of the City of New York, EUGENE H. NICKERSON, Chairman, Board of Supervisors, Nassau County, OWEN M. QUINN, Chairman, Board of Supervisors, Nassau County, LEONARD BERMAN, Chairman, Board of Supervisors, Westchester County, WILLIAM J. LEONARD, Chairman, Board of Supervisors, Suffolk County, DENIS J. MAHON, JAMES POWER, JOHN R. CREWS, THOMAS MALLEE, Commissioners, Board of Elections, New York City, Defendants.

APPEARANCES:

Robinson, Silverman, Pearce & Aronsohn and Max Gross, Attorneys for Plaintiffs, 230 Park Avenue, New York, N. Y., Leonard B. Sand, Of Counsel.

Louis J. Lefkowitz, Attorney General of the State of New York, Attorney pro se and Attorney for Caroline K. Simon, Secretary of State of the State of New York, The Capitol, Albany, New York and 80 Centre Street, New York, N. Y., Irving Galt, Assistant Solicitor General, George C. Mantzoros, Sheldon Rabb, Assistant Attorneys General, Of Counsel.

[fol. 612] Leo A. Larkin, Corporation Counsel of the City of New York, Attorney for Defendant Paul R. Screvane,

President of the City Council of the City of New York, and Defendants Denis J. Mahon, et al., Commissioners of the Board of Elections of the City of New York, Municipal Building, New York, N. Y., Benjamin Offner, George Dwight, Of Counsel.

George W. Percy, Jr., County Attorney for the County of Suffolk, New York, Attorney for Defendant William J. Leonard, Chairman, Board of Supervisors, Suffolk County, Suffolk County Center, Riverhead, New York, Stanley S. Corwin, Assistant County Attorney, Of Counsel.

Bertram Harnett, County Attorney for the County of Nassau, Attorney for Defendant Eugene H. Nickerson, Chairman, Board of Supervisors, Nassau County, Old County Courthouse, Mineola, New York, Douglas P. Null, Senior Deputy County Attorney, Of Counsel.

Francis J. Morgan, County Attorney of Westchester County, Attorney for Defendant Leonard Berman, Chairman, Board of Supervisors, Westchester County, County Office Building, White Plains, New York, Irving Libenson, Assistant County Attorney, Of Counsel.

Before: WATERMAN, Circuit Judge, RYAN and LEVET, District Judges.

OPINION—August 16, 1962

LEVET, D.J.

[fol. 613] This is an action for a judgment declaring that the constitutional and statutory provisions of the State of New York governing the apportionment of Senate and Assembly districts are unconstitutional.

The previous history of the proceedings in this Court appears in *W.M.C.A., Inc.* v. *Simon*, D.C.S.D.N.Y. 1961, 196 F. Supp. 758, and the action here is the same as the one before this three-judge court in 202 F. Supp. 741 (1962). The original decision was a dismissal of the complaint.

Following the decision in *Baker* v. *Carr*, 1962, 369 U.S. 186, the Supreme Court, on June 11, 1962, vacated the judgment entered upon the opinion by us contained in 202

F. Supp. 741 and remanded the case "for further consideration in the light of *Baker* v. *Carr*." 370 U. S. 190 at 191.

Accordingly, after due notice to the parties, a hearing was held by this Court on August 1, 1962 at which time the proofs offered by the parties (in so far as we believed to have been relevant) were submitted and extensive oral argument on the merits of the claim was heard and briefs of the parties submitted. Now after deliberation and reconsideration in the light of *Baker* v. *Carr, supra,* we find and conclude as follows:

[fol. 614] Facts

1. The New York State constitutional and statutory provisions are set forth as exhibits in the complaint. (Constitution, Art. 3, Sections 2, 3, 4, 5. Statutes—State Law Sections 120-123.)

2. There is no failure by the legislature to comply with the State Constitution and only the so-called malapportionment of Senatorial and Assembly districts is here involved. (Minutes of Nov. 15, 1961, pp. 32-33.)

3. No purposeful discrimination against any race, religion, creed or sex or national origin is claimed by plaintiffs. (Minutes August 1, 1962, pp. 31, 32.) The whole objection of plaintiffs is that there is not fair representation of urban areas. (Id. at p. 32.)

The plaintiffs' claim is that the Constitution of the State of New York is unconstitutional under the Federal Constitution. (Id. at pp. 127, 128.)

As to the City of New York, its counsel conceded that there was no allegation of discrimination "other than a discrimination arising from financial matters either in the collection of taxes or the distribution of taxes or funds collected by the State and distributed throughout the whole State to the various communities and cities." (Id. at p. 42.)

[fol. 615] 4. We take judicial notice of the following:

The revised Constitution of 1894 containing the present apportionment provisions was submitted to the voters on November 6, 1894 and was approved by a vote of 410,697

to 327,402; the legislative apportionment was approved by a vote of 404,335 to 350,625. See Legislative Manual, New York, 1961-1962, page 289. On November 7, 1916, on a vote to revise the Constitution and amend the same, the vote was 506,563 for and 658,269 against. Id. at p. 292. On November 5, 1957, the vote for a convention to revise the Constitution and amend the same was 1,242,568 for and 1,368,063 against. Id. at p. 309.

5. We also, on a similar basis, note:

New York City with a population of 7,781,984 or 46.0% of the state's population of 16,782,304, has 65 assemblymen or 43.3% of the total assembly, and 25 senators or 43.1% of the total number of senators, while the counties other than those in New York City, with 54.0% of the population, have 56.7% of the total assembly and 56.9% of the senate seats.

6. The courts of the State of New York have approved the present methods of apportionment. *Matter of Sherrill* v. *O'Brien*, 1907, 188 N.Y. 185, 81 N.E. 124; *Matter of Fay*, 1943, 291 N.Y. 198, 52 N.E. 2d 97; See also *Matter of Dowling*, 1915, 219 N.Y. 44, 113 N.E. 545.

[fol. 616] 7. A summary of the provisions of the State Constitution and statutes relative to Senatorial apportionment is substantially as follows:

> "The Senate districts are created primarily on the basis of citizen population. A 'ratio' is determined by dividing the citizen population of the State by 50 (the number of Senators); Senate districts are then formed by combining or dividing counties so that each district contains approximately this number (the 'ratio') of citizens. The Constitution provides that each district shall contain as nearly as may be an equal number of inhabitants, excluding aliens, and be in as compact a form as practicable. There are four further provisos: When any county is entitled to more than three Senators, the Senate is enlarged from its minimum size (50) by the number of these additional Senators; no county can have four or more Senators unless it has a full population ratio for each; no county shall have

more than one third of all the Senators; and no two counties that are adjoining or separated by one public waterway shall have more than half of all the Senators. (The last two of these provisos are inoperative, since no counties are entitled to that number of Senators.)" (Opening Memorandum For Defendants Simon and Lefkowitz Before The Statutory Court On Remand From the Supreme Court of the United States, pp. 4-5.)

8. A summary of the provisions of the State Constitution and statutes relative to Assembly apportionment is substantially as follows:

"The total number of Assemblymen is fixed at 150, with every county except Hamilton (which shares one Assemblyman with Fulton County) entitled to one Assemblyman. Sixty-one seats are thus accounted for. The remaining 89 seats, however, are apportioned in [fol. 617] this manner: The citizen population of the State is divided by the total number of Assemblymen, and the quotient thus achieved becomes the 'ratio.' Every county whose citizen population equals 1½ times the 'ratio' is entitled to a second Assemblyman. The rest of the seats are then apportioned among those counties with citizen populations greater than twice the 'ratio.' Seats apportioned on remainders are apportioned in order of highest remainders, with the proviso that no county shall have more Assemblymen than a county with a larger citizen population." (Opening Memorandum For Defendants Simon and Lefkowitz Before the Statutory Court On Remand From the Supreme Court of the United States, p. 4.)

While more than one Senate or Assembly district can be contained within the whole of a single county, and while a given Senate district may consist of more than one county, no county border line can be broken in the formation of either type of district.

9. Certain statistical data were submitted by the parties in a *Stipulation* filed on August 1, 1962 and, by order of

the court made a part of the record; Plaintiffs' Exhibits 1 through 7 also contain statistical tables. A copy of Tables IV (Appendix A) and VIII (Appendix B) from the said stipulation are appended hereto. These projected statistics of an apportionment based on the 1960 census appear to state the basis of plaintiffs' claims.

10. In the appendices hereto we attach (a) a map of the present Assembly Apportionment, the original of which [fol. 618] is contained between pp. 748-749 of the Legislative Manual of the State of New York for the year 1960 (Appendix C), (b) a map of the present Senate Apportionment, the original of which is contained in the same publication between pp. 712-713 (Appendix D), (c) a Table of the Population of State of New York, County Recapitulations, the original of which is contained on pp. 1,030 and 1,031 of the Legislative Manual of the State of New York for the year 1961-1962 (Appendix E). We take judicial notice of the facts therein contained.

Issues

The questions for determination by this Court are as follows:

First, do the undisputed facts constitute "invidious discrimination" against the plaintiffs and those similarly situated under the decision of the United States Supreme Court in *Baker* v. *Carr, supra; second*, assuming an affirmative answer to the first question, to what relief are plaintiffs entitled?

Baker v. Carr

We are unable to conclude that the *Baker* v. *Carr* decision, *supra*, has invalidated the particular type of apportionment provisions which are here attacked. We recognize the force of the *Baker* decision to the full extent indicated by the opinions of the Court. We acknowledge the validity of jurisdiction as we did before (202 F. Supp. 741). We [fol. 619] accept the mandate of justiciability. We test the New York apportionment provisions by such standards as we are able to ascertain.

However, we are unable to premise an invalidity of the provisions of the State of New York upon the *Baker* v. *Carr* determination by reason of the absence of applicable indicia.

1. *Mr. Justice Douglas* concurring in *Baker* v. *Carr, supra,* stated:

> "The traditional test under the Equal Protection Clause has been whether a State has made 'an invidious discrimination,' as it does when it selects 'a particular race or nationality for oppressive treatment.' See *Skinner* v. *Oklahoma,* 316 U.S. 535, 541. Universal equality is not the test; there is room for weighting. As we stated in *Williamson* v. *Lee Optical Co.,* 348 U.S. 483, 489, 'The prohibition of the Equal Protection Clause goes no further than the invidious discrimination.'" (p. 244-245.)

2. *Mr. Justice Clark* in his concurring opinion in *Baker* v. *Carr, supra,* wrote:

> "I take the law of the case from *MacDougall* v. *Green,* 335 U.S. 281 (1948), which involved an attack under the Equal Protection Clause upon an Illinois election statute. The Court decided that case on its merits without hindrance from the 'political question' doctrine. Although the statute under attack was upheld, it is clear that the Court based its decision upon the determination that the statute represented a rational state policy. It stated:
>
> 'It would be strange indeed, and doctrinaire, for this Court, applying such broad constitutional concepts as due process and equal protection of the laws, to [fol. 620] deny a State the power to assure a *proper* diffusion of political initiative as between its thinly populated counties and those having concentrated masses, in view of the fact that the latter have practical opportunities for exerting their political weight at the polls not available to the former.' Id., at 284. (Emphasis supplied.)" (p. 251-252.)

3. *Mr. Justice Stewart* in his concurring opinion in *Baker* v. *Carr*, *supra*, stated:

"The Court today decides three things and no more: '(a) that the court possessed jurisdiction of the subject matter; (b) that a justiciable cause of action is stated upon which appellants would be entitled to appropriate relief; and (c) . . . that the appellants have standing to challenge the Tennessee apportionment statutes.' *Ante*, pp. 197-198.

"The complaint in this case asserts that Tennessee's system of apportionment is utterly arbitrary—without any possible justification in rationality. The District Court did not reach the merits of that claim, and this Court quite properly expresses no view on the subject. Contrary to the suggestion of my Brother HARLAN, the Court does not say or imply that 'state legislatures must be so structured as to reflect with approximate equality the voice of every voter.' *Post*, p. 332. The Court does not say or imply that there is anything in the Federal Constitution 'to prevent a State, acting not irrationally, from choosing any electoral legislative structure it thinks best suited to the interests, temper, and customs of its people.' *Post*, p. 334. And contrary to the suggestion of my Brother DOUGLAS, the Court most assuredly does not decide the question, 'may a State weight the vote of one county or one district more heavily than it weights the vote in another?' *Ante*, p. 244.

"In *MacDougall* v. *Green*, 335 U.S. 281, the Court held that the Equal Protection Clause does not 'deny a State the power to assure a proper diffusion of [fol. 621] political initiative as between its thinly populated counties and those having concentrated masses, in view of the fact that the latter have practical opportunities for exerting their political weight at the polls not available to the former.' 335 U.S., at 284. In case after case arising under the Equal Protection Clause the Court has said what it said again only last Term—that 'the Fourteenth Amendment permits the States a wide scope of discretion in enacting laws which affect some groups of citizens differently

than others.' *McGowan* v. *Maryland,* 366 U.S. 420, 425. In case after case arising under that Clause we have also said that 'the burden of establishing the unconstitutionality of a statute rests on him who assails it.' *Metropolitan Casualty Ins. Co.* v. *Brownell,* 294 U.S. 580, 584.

"Today's decision does not turn its back on these settled precedents." (pp. 265-266.)

4. *Mr. Justice Harlan,* in his dissent to the remand in the case at bar (370 U.S. 190 at 191), stated that *Baker* v. *Carr* does not indicate "any guidelines" to be followed by lower courts in deciding cases such as the instant one.

Counsel for plaintiffs has conceded that "There is nothing in the explicit opinion of Baker against Carr which would indicate how ultimately the cases were to be resolved on the merits," although counsel contended that there was "much in Baker against Carr which is implicit." (Minutes, August 1, 1962, p. 107.) This Court is unable to discern this result for which plaintiffs here argue.

[fol. 622] Constitutionality

The principle that there is a presumption in favor of the constitutionality of a statute and the principle that a violation must be clear before a federal court of equity will lend its power to the disruption of the state election processes (*Sanders* v. *Gray,* D.C.N.D. Ga. 1962, 203 F. Supp. 158, 170) have been re-enunciated in apportionment decisions rendered since the *Baker* v. *Carr* determination.

1. In *Caesar* v. *Williams,* Supreme Court of the State of Idaho, April 3, 1962, —— Idaho ——, 9 Idaho Capital Report 161, McFadden, J. wrote:

"In considering the question of the constitutionality of these acts, certain fundamental rules at all times must be kept in mind. The burden of showing the unconstitutionality of a statute is upon the party asserting it. Eberle v. Nielson, 78 Idaho 572, 306 P. 2d 1083; Rich v. Williams, 81 Idaho 311, 341 P. 2d 432. This court is without power to invalidate or nullify a

constitutional act of the legislature; if the legislature does not clearly violate the Constitution, this court must and will uphold it. Padgett v. Williams, 82 Idaho 114, 350 P. 2d 353. Every reasonable presumption must be indulged in favor of the constitutionality of a statute. Robinson v. Enking, 58 Idaho 24, 69 P. 2d 603; Idaho Gold Dredging Co. v. Balderston, 58 Idaho 692, 78 P. 2d 105." (9 Idaho Capital Report 161 at 164.)

2. In *Maryland Committee for Fair Representation* v. *Tawes,* Md. Cir. Ct., Anne Arundel County, May 24, 1962, —— Md. —— —— ——, Judge Duckett wrote in part:

[fol. 623] "Every intendment must be resolved in favor of constitutionality and the burden of showing unconstitutionality is on the petitioners"

citing *McGowan* v. *Maryland,* 366 U.S. 420-426; *Johns Hopkins University* v. *Williams,* 199 Md. 382, 86 A. 289; *Norris* v. *Baltimore,* 172 Md. 667, 192 A. 531.

3. In *Toombs* v. *Fortson,* D.C.N.D. Ga., 1962, 205 F. Supp. 248, 256, the Statutory Court stated:

"• • • there is an additional factor of importance when the Federal Court is called upon to invalidate solemnly enacted State constitutions and laws. Bearing in mind the plain lesson laid down by the Supreme Court repeatedly that an *alleged violation of Constitutional rights by the State must be clear* before a Federal court of equity will lend its power to the disruption of the State's election processes, • • • ." (Emphasis inserted.)

[fol. 624] Other Decisions

Certain cases decided since *Baker* v. *Carr* involved substantial discrepancies between existing legislative apportionments and pre-existing state constitutional provisions. See *Caesar* v. *Williams,* Supreme Court of the State of Idaho, April 3, 1962, —— Idaho —— —— 9 Idaho Capitol Report 161; *Harris* v. *Shanahan,* District Court of Shawnee County, Kansas, Second Division, May 31, 1962, ——

Kansas ——; *Maryland Committee for Fair Representations* v. *Tawes*, State Court of Appeals, Maryland, April 1962, —— Md. —— (Failure of legislature to comply with State Constitution and convene a Constitutional Convention as approved by voters); *Lein* v. *Sathre*, D.C.D.N.D., Southwestern Division, May 31, 1962, —— F. Supp. —— (Statutory Court); *Moss* v. *Burkhart*, D.C.W.D. Okla., June 19, 1962, —— F. Supp. —— (Statutory Court); *Start* v. *Lawrence*, Commonwealth Court of Pa., June 13, 1962, No. 2536 Equity Docket and No. 187 Commonwealth Docket 1962; *Baker* v. *Carr*, D.C.M.D. Tenn., Nashville Div., June 22, 1962, —— F. Supp. ——; *Mikell* v. *Rousseau*, Supreme Court, Chittenden County, Vermont, May Term, 1962, —— Vt. ——; *Sweeney* v. *Notte, Jr.*, Sup. Ct. of Rhode Island, C.Q. No. 643, —— R.I. ——; *Sims* v. *Frink*, D.C.M.D. Ala., 1962, 205 F. Supp. 245 (Statutory Court).

Other cases post *Baker* v. *Carr* involved apportionment arrangements with great disparities, lack of any rational [fol. 625] basis and wanting in other respects and thus were far different than those of the present case. Those cases have no applicability here. See *Toombs* v. *Fortson*, D.C.N.D., Ga., 1962, 205 F. Supp. 248 (Statutory Court); *Sanders* v. *Gray*, D.C.N.D., Ga., April 28, 1962, 203 F. Supp. 158 (Statutory Court); *Scholle* v. *Hare*, Sup. Ct. of Michigan, June, 1962, —— Mich. ——; *Fortner* v. *Barnett*, Chancery Court of the First Judicial District of Hinds County, Miss., —— Miss. ——.

Tests

Tests for "invidious discrimination" have been held to include the following:

(1) Rationality of state policy and whether or not the system is arbitrary.

(2) Whether or not the present complexion of the legislature has a historical basis.

(3) Whether there lies within the electorate of the State of New York any possible remedy (if gross inequalities exist.)

(4) Geography, including accessibility of legislative representatives to their electors.

(5) Whether the Court is called upon to invalidate solemnly enacted State Constitutions and laws.

Toombs v. *Fortson*, D.C.N.D. Ga. 1962, 205 F. Supp. 245; *Sanders* v. *Gray*, D.C.N.D. Ga. 1962, 203 F. Supp. 158; [fol. 626] *Maryland Committee for Fair Representation* v. *Tawes*, Md. Circuit Court, Anne Arundel County, Maryland, May 24, 1962, —— Md. ——, —— A. ——; *Baker* v. *Carr*, 1962, 369 U.S. 186, 258, 259.

1. *Rationality and Lack of Arbitrariness*

The provisions of the State Constitution (Art. 3 Sec. 5) in reference to *Assembly Districts* are basically as follows:

(a) Apportionment among the several counties of the state, "as nearly as may be according to the number of their respective inhabitants, excluding aliens"

(b) Every county except Hamilton is entitled to one member.

After establishing a quotient ratio for the whole state further provisions are as follows:

(c) Each county containing less than a ratio and one-half over receives one member.

(d) All other counties (i.e. those having more than a ratio and a half) receive a second member.

(e) The remaining members are apportioned to the counties having the highest remainders in the order thereof.

Nothing in these provisions is arbitrary unless the ingredient of geographical allowance of a minimum of one assemblyman per county is so considered. Certainly there is no classification which treats urban counties differently [fol. 627] from other counties. The net result is that assemblymen (subject to the minimum provision per county, like the minimum provision for members in the Federal House of Representatives) are in fact substantially based on citizen population.

The provisions of the State Constitution (Art. 3 Sections 2, 3, and 4) in reference to the Senate are basically as follows:

(a) Fifty senatorial districts are established (section 3).

(b) Such districts are, after census returns at specified intervals, to "be so readjusted or altered so that each senate district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens and be in as compact form as practicable" (section 4). (Plaintiffs make no claim that the statutes do not reflect the state constitutional provisions.)

Certain other requirements augment or implement the foregoing provisions:

(c) No county shall be divided in the formation of a senate district except to make two or more senate districts wholly in such county. (Certain limitations, not too pertinent here prohibit divisions of towns and cities; however, it is noted that counties, towns, etc. which may be included in either of two districts, "shall be so placed as to make said districts most nearly equal in number of inhabitants, excluding aliens".)

(d) No county shall have four or more senators unless it shall have a full ratio for each senator.

[fol. 628] (e) Other provisions which today have absolutely no factual application provide that (i) no county shall have more than one third of all the senators and (ii) no two adjoining counties, or counties which are separated only by public waters, shall have more than one-half of all the senators.

Apparently plaintiffs complain of the so called "full ratio rule" the gist of which is as follows:

I. "No county shall have four or more senators unless it shall have a full ratio for each senator." N.Y. Const. Art. II § 4.

II. " . . . except that if any county having three or more senators at the time of any apportionment shall be entitled on such ratio to an additional senator or senators, such additional senator or senators shall be given to such county in addition to the fifty senators, and the whole

number of senators shall be increased to that extent." N.Y. Const. Art. III § 4.

The provisions above mentioned do not appear arbitrary or irrational. Unless senatorial districts are to be subject to repeated and relatively frequent readjustments, some practicable means of addition of more senators must be provided.

As stated by Judge Chase in *Matter of Dowling*, 1916, 219 N.Y. 44, 51: "The exception is given for one, and only one purpose, and that is to prevent counties having three or more senators from obtaining a larger number of senators at the expense of the counties of the state not having three or more senators." These provisions are designed to effectuate administration of the senatorial electorate, and designed to meet accessibility, and practicability. No [fol. 629] proof was submitted by plaintiffs that the senatorial districts, aside from some variance in citizen population were otherwise subject to criticism.

The system is not irrational. It clearly gives weight to population within the state's counties which forms a basis for the ingredient of area, accessibility and character of interest.

Such an arrangement is not arbitrary. It has factors adapted to the needs of the State of New York constituted as it is of urban, suburban and rural areas, with congestion of population in one spot, with areas of lesser intensity in other locations and with sparsely settled spaces more remote from the centers of population. All ingredients are present, there is no arbitrariness in formulae or in the result thereof.

2. *Historical Basis*

The present provisions for apportionment are of historic origin. In New York, the county is a classic unit of governmental organization and administration. New York has consistently emphasized county government and the county unitary approach.

Charles H. Beard states that in most cases the county units in this country "bear the imprint of precedents dating back to medieval England". (American Government and Politics, MacMillan Company, 1949, p. 787.)

[fol. 630] As explained by *Ferguson* and *McHenry*:

"• • • When the American colonies were first settled, England was divided into shires, which, in turn, were subdivided into parishes, hundreds, manors, and boroughs. When transplanted to the Colonies, the term 'shire' gave way to its synonym 'county'. The County which was first instituted in Virginia, later became the primary unit of local government in the South, the middle states established both counties and townships: New England used counties and towns, but the former were relegated to a subordinate position." (The American System of Government, McGraw-Hill Book Company, Inc., New York, New York, 6th Ed., 1961, pp. 668, 669.)

See also Fairlie and Kneier, County Government and Administration, Century Co., New York, 1930, pp. 1-38.

Professor *Cullen B. Gosnell* writes:

"• • • Local Government in the United States can be traced directly to England. The County grew out of the Shire. While the County was not in vogue in England until after the Norman Conquest, it had become well established before the colonization of America." (State and Local Government in the United States, New York, Prentice-Hall, Inc., 1951, p. 14).

James Bryce wrote:

"In the middle States of the Union, Pennsylvania, New Jersey and New York, settled or conquered by Englishmen somewhat later than New England, the town and town-meeting did not as a rule exist, and the county was the original basis of organization." (American Commonwealth, MacMillan Company, 1926, Vol. 1, p. 599.)

Bryce also stated:

"The County is perhaps to be regarded at least in New York, Pennsylvania and Ohio, as the true unit, and the townships (for so they are usually called) as its subdivisions." (Ibidem p. 600.)

[fol. 631] Professor *Edward P. Cheyney*, of the University of Pennsylvania discussing "The English County and Its Officers, (1600-1650)" stated: "The oldest, most stable and most important unit of local government was the shire, or county." (European Background of American History, 1300-1600, Harper and Brothers, 1904, p. 261.)

Paul W. Wager, in County Government Across the Nation, University of North Carolina Press, 1950, p. 157, observed: "During the Colonial period there evolved in New York a system of local government which in its main features, has been perpetuated." *

[fol. 632]

Constitution of 1777

All of this was recognized by the makers of the constitution of 1777, adopted during the progress of the Revolution in a state in which perhaps one third of the military operations of that war took place. This constitution (Section IV) provided for an assembly of seventy members *"to be annually chosen in the several counties"* (emphasis added), and certain numbers of members for each county were then specified. Section V which followed contained provisions for a census after the termination of the war and at seven year intervals thereafter and for adjustment of the representation of each county. No provision for *omission* of any county from some representation or for combining one county with another appear.

The same constitution (Sections X, XI, XII) provided for a senate of twenty-four freeholders elected for four years, and to be set up in classes so that one quarter were

* Each county is allotted one representative in the lower chamber of 23 states; to wit, Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Utah and Wyoming. (Harvey, Lashley G., Reapportionments of State Legislatures, 17 Law and Contemporary Problems, 364.) It may also be noted that seven of these states were among the original 13 states of this union. Certain states also assure one senator for each county, to wit Connecticut, Idaho, Maine, Maryland, Montana, New Jersey, Oregon, South Carolina, Vermont and Wyoming. (Ibidem.)

reelected each year. The state was divided for the election of senators into "four great districts"; and the counties to be contained in each district specified as well as the number of senators for each of these "great" districts. After mentioning the state census to be taken, as for assem- [fol. 633] bly purposes, the 1777 constitution provided for reapportionment, "as near as may be, to the number of freeholders in each district" and the addition of a senator to any district in which the number of electors had increased one twenty-fourth part of the whole number of electors, which by the said census, shall be found to be in this state.

Amendments to the Constitution of 1777

By delegates to a State convention in 1801 the number of the members of the assembly was increased to one hundred with a provision that the number should never exceed one hundred and fifty. The legislature was directed to apportion the "said one hundred members of the assembly *among the several counties of this state* (emphasis inserted) as nearly as may be, according to the number of electors which shall be found to be in each county by the census directed to be taken in the present year.". (New York State Constitution Annotated, New York State Constitutional Convention Committee 1938, Part II pp. 21, 22).

At the same time the number of senators was fixed at thirty-two so that the entire number (32) are apportioned among the "four great districts" as "nearly as may be, according to the number of electors qualified to vote for senators, which shall be found to be in each of the said [fol. 634] districts." (Ibidem p. 22).

Constitution of 1821

A constitutional convention of 1821 submitted a new constitution which was approved by the voters in 1822 and took effect December 31, 1822. This constitution (Ibidem p. 24) provided for a senate of 32 members and an assembly of 128 members. Article 1, Section 5 divided the state into 8 senatorial districts, specified the counties in each and stated that each district should choose four senators.

Section 6 provided for reapportionment every ten years so that each district shall contain, as nearly as may be, an equal number etc. Districts were to consist of contiguous territory, and no county was to be divided in the formation of a senate district.

Section 7 provided that the members of the assembly shall be chosen by counties as nearly as may be, according to the number of inhabitants excluding aliens etc. Every county was to be entitled to one member of the assembly and no new county was to be erected unless its population shall entitle it to a member.

Constitution of 1846

The Constitution of 1846 adopted on November 3, 1846 (Ibidem p. 44) abandoned the groupings known as "four [fol. 635] great districts" and set up thirty-two separate senatorial districts in each of which one senator was to be elected, (Art. III, Section 3). Provisions as to equalization of numbers of inhabitants, contiguous territory, and prohibition of division of a county unless entitled to two or more senators appear. (Section 4).

The members of the assembly were to be apportioned *among the several counties*, as nearly as may be, according to the number of inhabitants etc. but the same reservations for each county as before were continued (Section 5).

Constitution of 1894

No further changes were made in apportionment matters until the constitution of 1894 was passed and adopted by the voters as heretofore stated. The present provisions are substantially the same and are elsewhere discussed.

In concluding this discussion of historic origins, it is fair to state that the basic pattern of New York's apportionment provisions are historic in character, fitted to the nature of the governmental development of the Empire State.

3. Availability of Political Remedy

The vote in 1957 on the call for a constitutional convention was heralded as an issue of apportionment. Gov-

[fol. 636] ernor Harriman stated that the most urgent constitutional reform needed was "to elect one house of the legislature on the basis of population to give big cities fuller representation." New York Times, Sept. 7, 1957, p. 1, col. 8. See New York Times, Sept. 24, 1957, p. 29, col. 1, Oct. 29, 1957, p. 22, col. 5. According to the 1960 census, the six counties represented by the six individual plaintiffs had a citizen population of 9,129,780, or 56.2% of the total State population.

The 10 most heavily populated counties had a population of 11,937,406, or 73.5% of the citizen population of the state. Thus, the majority chose not to convene a constitutional convention.

This tends to negate any compelling circumstances requiring the intervention of federal equity power.

Article XIX, Section 2, of the present constitution provides that "at the general election to be held in the year nineteen hundred fifty seven, and every twentieth year thereafter, and also at such times as the legislature may by law provide, the question 'Shall there be a convention to revise the constitution and amend the same?' shall be submitted to and decided by the electors of the State." In case a majority decides in favor of this question, delegates are to be elected and a convention held. Delegates are to be chosen as follows: each senatorial district elects [fol. 637] 3 delegates; the electors of the state elect 15 delegates-at-large.

It may be noted that it would be entirely possible for the ten most populous counties mentioned in the next paragraph to control a constitutional convention.

4. Geographical Discrimination

The fact is that the ten most heavily populated counties in the State (Kings, Queens, New York, Bronx, Nassau, Erie, Westchester, Suffolk, Monroe and Onondaga) have, under the current apportionment, 38 senate seats, 65.5% of all the senate and 93 assembly seats, 62.0% of all assembly seats. When the legislature reapportions New York on the basis of the 1960 census figures, these same counties will have 37 senate seats and 93 assembly seats, 64.9% and

61.3% respectively of the two Houses (minutes, August 1, 1962, pp. 153, 154).

As already indicated geography, accessibility, a proper diffusion of political initiative as between a state's thinly populated counties and those having concentrated masses, have not been cast out as proper factors in apportionment methods.

The six counties in which plaintiffs reside contain 56.2% of the citizen population of the State, but these counties comprise only 3.1% of the area of the state. Bronx, Kings, [fol. 638] New York and Queens are the smallest counties in the state. Nassau is the ninth smallest county.

Another factor worthy of consideration is the fact that the interests of the "upstate" counties may be diverse while those of the city districts may be united. Ninety-seven percent of the State's area is outside the six counties in which the plaintiffs reside.

The 40th Senatorial District includes St. Lawrence, Clinton and Franklin counties, an area totalling 5,511 square miles which is larger than the State of Connecticut. St. Lawrence County alone covers 2,767 square miles, which is an area larger than the State of Delaware.

Economic and social matters, extensive resources and their developments, roads, school systems, welfare and other matters emphasize the necessity of some geographic consideration in a state of the size and character of New York. It is arguable that if strict population standards were adopted certain undesirable results might follow such as an increase in the size of the legislature to such an extent that effective debate may be hampered or an increase in the size of districts to such an extent that contacts between the individual legislator and his constituents may become impracticable. The possibility of these results, however, is not determinative as to the issues raised in the case at bar.

[fol. 639]

5. Invalidation of a State Constitutional Enactment

Here the plaintiffs seek to invalidate not a mere statute but a state constitutional provision duly propounded and

adopted by a Constitutional Convention in 1894. Moreover, these provisions were solemnly ratified as shown above by the voters who since have declined on a number of occasions to vote for a change. This court is, of course, bound to give supremacy to the U. S. Constitution over a State Constitution, but unless the invalidity is clear and definite, we are reluctant to overthrow this choice of the electors of this state.

In this connection we may well heed the wise admonitions of distinguished members of the United States Supreme Court who have spoken as follows:

> "The traditions and habits of centuries were not intended to be overthrown when that amendment [the Fourteenth] was passed." Opinion of Mr. Justice Holmes in *Interstate Railway Co.* v. *Massachusetts*, 1907, 207 U.S. 79, 87.
>
> "The Constitution as a continuously operating Charter of Government does not demand the impossible or the impractical." Opinion of Chief Justice Stone in *Hirabayashi* v. *United States*, 1943, 320 U.S. 81, 104. [fol. 640] ". . . [T]he legislature, acting within its sphere, is presumed to know the needs of the people of the State." Opinion of Chief Justice Hughes in *Townsend* v. *Yeomans*, 1937, 301 U.S. 441, 451.

Conclusions

We are of the opinion and hereby conclude that

(1) The plaintiffs have not shown by a fair preponderance of the relevant evidence that "invidious discrimination" exists.

(2) The apportionment provisions of the State of New York are rational, not arbitrary, are of substantially historical origin, contain no geographical discrimination, permit an electoral majority to alter or change the same and are not unconstitutional under the relevant decisions of the United States Supreme Court.

(3) The defendants who have opposed this action are entitled to a dismissal of the complaint on the merits as

against plaintiffs and against such defendants as have attempted to sustain plaintiffs' claims.

(4) No costs should be allowed to or against any party hereto since this is a matter of public interest and concern. [fol. 641] The foregoing constitute our findings of fact and conclusions of law. Let judgment be entered pursuant to the opinion herein.

In view of this determination there is no necessity of passing on the standing of W.M.C.A., Inc. as a party plaintiff herein.

Dated: New York, N. Y., August 16, 1962.

Richard H. Levet, U. S. D. J.

[fol. 642]

APPENDIX A TO OPINION

CLERK'S NOTE

Appendix A to opinion—Table IV Showing—"The following apportionment would result if the New York State Legislature reapportioned the Senate under the present constitutional formula, on the basis of 1960 Census statistics—on basis of second ratio—(omitted in printing here). See printed side folio 528, page 234, ante.

[fol. 643]

APPENDIX B TO OPINION

CLERK'S NOTE

Appendix B to opinion—Table VIII Showing—"The following apportionment would result if the New York State Legislature reapportioned the Assembly under the present constitutional formula, on the basis of the 1960 census statistics—(omitted in printing here). See printed side folio 531, page 237, ante.